

**STATUS REPORT IN COMPLIANCE OF ORDER DATED 23.09.2016 PASSED BY THE
HON'BLE SUPREME COURT IN TRANSFER CASE CIVIL NO. 1 OF 2010**

1. Order dated 05.10.2016 issued by FSSAI to Commissioners of Food Safety of All State/UTs

S. No.	NAME OF THE STATE	ORDER DATED
1.	West Bengal	02.12.2017/Letter
2.	Chandigarh	25.09.2016/ Affidavit
3.	Goa	26.10.2016/Affidavit
4.	Arunachal Pradesh	17.10.2016
5.	Meghalaya	31.08.2017, Letter dated 30.11.2016
6.	Himachal Pradesh	28.10.2016
7.	Maharashtra	01.12.2016
8.	Assam	01.12.2016
9.	Tripura	29.03.2016
10.	Daman & Diu	Index sheet has been provided
11.	Kerala	03.11.2016, Letter
12.	Gujarat	03.11.2016, Letter/Affidavit
13.	Manipur	03.03.2017/Letter
14.	Tamilnadu	30.11.2016

West Bengal

Government of West Bengal
Health & Family Welfare Department
Office of the Commissioner of Food Safety
Swasthya Bhavan, GN-29, Sector-V
Salt Lake, Kolkata-700 091.

No.153/HF/CFS/1M-06/2012(Pt)

Dated Kolkata the 2nd December 2016

From: Smt. Godhuli Mukherjee, IES,
Commissioner of Food Safety & Secretary,
Govt. of West Bengal,
Health & Family Welfare Department.

To : Assistant Director (Regulatory Compliance Division)
Food Safety & Standards Authority of India
FDA Bhavan, Kotla Road, New Delhi-110002

Sub. – Action Taken Report on Banning of Pan Masala & Gutkha

In connection with the order passed by the Hon'ble Supreme Court of India dated 23.09.2016 in Transfer Case (Civil) No. 1 of 2010 regarding ban on manufacturing and sale of Gutkha & Pan Masala with Tobacco and /or Nicotine the following actions have been taken .

1. In terms of Regulation No 2.3.4 of the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011, the Department of Health and Family Welfare, Govt of WB has published a Notification dated 25.10.2016, in the official gazette, prohibiting any manufacture, storage, sale or distribution of 'gutkha', and 'panmasala' containing tobacco and/or nicotine as ingredients, by whatsoever name it is available in the market, prohibited for a period of one year from the date of issue of the notification. A photocopy of the Notification published by the Department of Health and Family Welfare, Govt of West Bengal bearing notification No. 127/HF/CFS/1M-6/2012(Pt) dated 25.10.2016 is annexed herewith.
2. Enforcement machinery has been activated to implement the directive of the notification and to keep strict vigil on this matter. Steps have been taken to alert Municipalities and Municipal Corporations to suitably publicise the order and also to keep strict vigil so that the above mentioned prohibited articles are not available and / or traded in the market. Food Safety Officers and Designated Officers under the FSSAI have been instructed to draw samples and initiate appropriate legal action in case of violations, as per provisions under the Act.

3. In addition to the above steps, the National Tobacco Control Programme (NTCP) is now being implemented in the districts of the State of West Bengal. The programme aims at awareness generation amongst the population and in school children regarding the adverse effects of smoking & consumption of tobacco based products. A State Level Co-ordination Committee has been formed for supervision of implementation of the National Tobacco Control Programme (NTCP) in the State with the Chief Secretary as the Chairperson. Similarly District Level & Block Level Coordination Committees have been formed. Further, District level Monitoring Committees were set-up for monitoring the implementation of the Cigarette & Other Tobacco Products Act (COTPA), 2003. District Level Enforcement Squads and Block Level Enforcement Squads have also been formed for effective implementation of the various provisions under the COTPA, 2003. Enforcement of COTPA rules regarding new pictorial warnings for Tobacco Products have been communicated to the District Magistrates to ensure that the provision of the aforesaid rules are duly enforced in the districts.

As per the directives of the Hon'ble Supreme Court of India an affidavit affirmed by the Additional Chief Secretary of the Dept. of Health & Family Welfare, Govt. of West Bengal has been filed before the Hon'ble Supreme Court of India on this issue.

G. T. 2.12.2016
Commissioner of Food Safety & Secretary,
Govt. of West Bengal.

Kolkata



Gazette

Extraordinary
Published by Authority

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WEDNESDAY, OCTOBER 26, 2016

[SAKA 1938

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Health & Family Welfare Department
Office of the Commissioner of Food Safety
Swasthya Bhaban, GN-29, Sector V,
Salt Lake, Kolkata-700 091

No. 127/HF/CFS/1M-6/2012 (Pt)

Dated, Kolkata, the 25th October, 2016.

NOTIFICATION

WHEREAS regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations 2011 made by the Food Safety and Standards Authority of India, in exercise of the powers conferred by clause (i) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits sale of articles of food in which tobacco and/or nicotine are used as ingredients, as they may be injurious to health;

AND WHEREAS, gutkha and panmasala are articles of food in which tobacco and/or nicotine are widely used as ingredients;

AND WHEREAS, it is expedient to prohibit gutkha and panmasala in the State of West Bengal, being food products in which tobacco and/or nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety of the State is empowered under Section 30 of the Food Safety and Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of State, for a period of one year;

NOW, THEREFORE, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, any manufacture, storage, sale or distribution of gutkha and panmasala containing tobacco and/or nicotine as ingredients, by whatsoever name it is available in the market, is hereby prohibited for a period of one year with effect from the date of the issue of this notification, in the State of West Bengal, in the interest of Public Health.

GODHULI MUKHERJEE

Commissioner of Food Safety, West Bengal

Annexure R-IV

Punjab - (2)

OFFICE OF THE COMMISSIONER OF FOOD SAFETY
CHANDIGARH ADMINISTRATION
ORDER

No. DO-2016/ 1293

Dated, Chandigarh the:

26/11/16


WHEREAS, Regulation 2.3.4 of the Food Safety & Standards Prohibition and Restriction on Sales) Regulations, 2011 made by the Food Safety & Standards Authority of India in exercise of the powers conferred by Section 92 of the Food Safety and standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, Gutkha and Panmasala are the articles of food in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and pan masala in the Union Territory of Chandigarh being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety, Chandigarh Administration, is empowered under Section 30 of the Food Safety & Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of the Union Territory of Chandigarh for a period not exceeding one year.

NOW, THEREFORE, the undersigned in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, hereby, prohibit in the interest of public health, the manufacture, storage, sale or distribution of Gutkha and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, in the whole of Union Territory of Chandigarh for one year from the date of issue of this Order.


ANURAG AGGARWAL, IAS
Commissioner of Food Safety,
Chandigarh Administration

IN THE SUPREME COURT OF INDIA AT NEW DELHI
CIVIL APPELLATE JURISDICTION

Transfer case (Civil) No.1/2010

IN THE MATTER OF:

Central Arecanut Marketing Copn. & Ors.

...Petitioners

Versus

UOI & Ors connected T.C. (C) and SLPs (Civil)

...Respondents.

AFFIDAVIT of Dr. Rakesh Kumar Kashyap, Assistant Commissioner Food Safety under Food Safety & Standards Act 2006, on behalf of Union Territory of Chandigarh.

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

1. That the deponent is working in the capacity of Assistant Commissioner Food Safety, Chandigarh Administration, Chandigarh under Food Safety & Standards Act 2006, and as such is fully competent to file and swear this affidavit.
2. That the present affidavit is being filed by the deponent in terms of the order dated 23.9.2016 passed by this Hon'ble Court in the present Petition.
3. That it is submitted before this Hon'ble Court that use of tobacco and nicotine as ingredients in any food products, which may be injurious to Health, has already been prohibited by the Competent Authority in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011, as per the letter dated 24.7.12 issued by the Health Secretary-cum Commissioner Food Safety, Chandigarh Administration. And the Designated Officer, U.T Chandigarh under Food Safety & Standards Act 2006, was asked to create public awareness and implement the regulations ensuring that tobacco and nicotine is not being used as ingredients in any food products in U.T Chandigarh after initiating action as per the provisions of FSSA.

and rules/regulations made thereunder. Copy of letter dated 24.7.12 is annexed herewith as Annexure R- I.

4. That, in compliance of the above said letter/orders from the Commissioner Food Safety, Chandigarh Administration, following samples of Pan Masala and Gutkha were taken:

Sr. no	Date of Samples	Sample of product	Code no. of sample	Fail/pass
1	08-8-12	Premium Maaldar in Gutkha	DRS/2010/147	Fail
2	08-8-12	Swagat Gutkha	DRS/2010/146	Fail
3	13.8.12	Shikhar Gutkha	DRS/2012/149	Fail
4	13.8.12	Premium Harpal Gutkha	DRS/2012/148	Fail
5	17.8.12	Premium Rajni gandha flavour paan Masala	DRS/2012/170	Pass
6	17.8.12	Premium RMD Gutkha	DRS/2012/169	Fail
7	3.9.12	Rajni Gandha Flavour Paan masala	DRS/2012/187	Pass
8	31.8.12	Paan Vilas Paan Masala	DRS/2012/173	Pass

5. That, thereafter, when some samples of pan masala and Gutka were found to be containing tobacco & nicotine, it was reiterated by way of notification issued in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011 and in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, that the manufacture, the storage, the sale or distribution of Gutkha (which includes Premium Maaldar in Gutkha, Swagat Gutkha, Shikhar Gutkha, premium HarpalGuthka and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, has been prohibited vide order dated 21.5.13 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order in the interest of Public Health. Copy of notification dated 21.5.13 is annexed herewith as Annexure R- II.

6. That further orders for prohibiting the manufacture, the storage, the sale or distribution of Gutkha (which includes Premium Maaldar in Gutkha, Swagat Gutkha, Shikhar Gutkha, premium HarpalGuthka and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by

Executive



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Chandigarh Dist

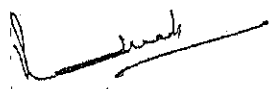
whatsoever name it is available in the market, were issued vide order dated 16.6.2014 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order. Annexure -R-III

7. That following samples of Pan Masala taken in the period 2015-2016 are as under:-

Sr. no	Date Samples	of	Sample product	of	Code no. of sample	Fail/pass
1	25.02.2015		Rajnigandha Pan Masala		KS/2015/89	Pass
2.	27.2.2015		Shikhar Pan Masala		KS/2015/96	Pass
3.	10.3.2015		Vimal Pan Masala		KS/2015/103	Pass
4.	27.4.2015		Kanula Pan Masala		KS/2015/120	Pass
5.	10.2.2016		Sikhar Pan Masala		RKS/2016/170	Pass
6.	11.5.2016		Dilbhagh Royal Pan Massal		RKS/2016/206	Pass

8 That further, by way of notification issued on dated 26.10.2016, in pursuance of regulation 2.3.4 of the Food safety & Standards Prohibition and Restriction on sales) regulation 2011 and in exercise of the powers conferred under section 30 of the Food Safety & Standards Act, 2006, that the manufacture, the storage, the sale or distribution of Gutkha and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, has been prohibited vide order dated 26.10.16 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order in the interest of Public Health. Copy of order dated 26.10.2016 is annexed herewith as Annexure R- IV.

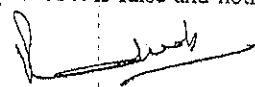
Chandigarh
Dated 7.11.2016


Deponent
Assistant Commissioner Food Safety
U.T. Chandigarh.


Verification:

Verified at Chandigarh on 7th Nov. 2016 that the contents of paras 1 to 08 of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therein

Chandigarh
Dated 7-11-2016


Deponent
Assistant Commissioner Food Safety
U.T. Chandigarh.



ATTESTED

(ATUL ARORA)
Special Executive Magistrate
7/11/2016

Seal of the Spe.

Annexure R-1 (I)

From

The Secretary Health-cum-
Commissioner, Food Safety,
Chandigarh Administration.

Dated 25.7.12.

DHS *[Signature]*

To

The Director Health & Family Welfare-cum-
Assistant Commissioner, Food Safety,
U.T. Chandigarh.

D.O. - FSSA

[Signature]

25/7

clear

Memo No. FII(5)/2012/
Chandigarh, dated the

7/23

24.7.12

Subject: - Regarding enforcement of regulation 2.3.4. of the Food Safety & Standards (Prohibition and Restriction on Sales) Regulations, 2011.

Reference: - Your office U.O. No. PFA.Cell/2012/178 dated 15.6.2012. (copy enclosed for ready reference).

Under the regulations cited as subject, the Competent Authority has already prohibited the use of tobacco and nicotine as ingredients in any food products which may be injurious to health. The Designated Officer is supposed to create public awareness and implement the regulations ensuring that the tobacco and nicotine is not being used as ingredients in any food product in the Union Territory, Chandigarh after initiating action as per provisions of the FSSA, 2006 and rules/regulations made there under. No separate orders for the implementation of these regulations are required to be issued. Further action may, therefore, be taken accordingly.

Shashika
18-7-12

Superintendent FII/Health
For Secretary Health-cum-
Commissioner, Food Safety,
Chandigarh Administration.

Annexure R-2 (II)

OFFICE OF THE COMMISSIONER OF FOOD SAFETY
CHANDIGARH ADMINISTRATION

ORDER

Dated, Chandigarh the 21/5/23

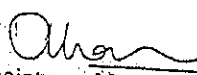
No. Do-13/676 WHEREAS, Regulation 2.3.4 of the Food Safety & Standards (Prohibition and Restriction on Sales) Regulations, 2011 made by the Food Safety & Standards Authority of India in exercise of the powers conferred by Clause (1) of Sub-Section (2) of Section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with Section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, Gutkha and Panmasala are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and Panmasala in the Union Territory of Chandigarh being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety, Chandigarh Administration, is empowered under Section 30 of the Food Safety & Standards Act, 2006 to prohibit for one year in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of the Union Territory of Chandigarh.

NOW, THEREFORE, the undersigned, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011 and in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, hereby, prohibit the manufacture, the storage, the sale or distribution of Gutkha (which includes Premium Maaldar in Gutkha, Swagat Gutkha, Shikhar Gutkha, Premium Harpal Gutkha and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market in the Union Territory of Chandigarh for one year from the date of issue of this Order in the interest of public health.


Commissioner of Food Safety,
Chandigarh Administration.

Annexure R- III

OFFICE OF THE COMMISSIONER OF FOOD SAFETY
CHANDIGARH ADMINISTRATION
ORDER

No. DO-14/302

Dated, Chandigarh the 16/6/14

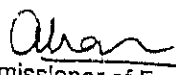
WHEREAS, Regulation 2.3.4 of the Food Safety & Standards Prohibition and Restriction on Sales Regulations, 2011 made by the Food Safety & Standards Authority of India in exercise of the powers conferred by Section 92 of the Food Safety and standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, Gutkha and Panmasala are the articles of food in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and pan masala in the Union Territory of Chandigarh being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety, Chandigarh Administration, is empowered under Section 30 of the Food Safety & Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of the Union Territory of Chandigarh for a period not exceeding one year.

NOW, THEREFORE, the undersigned in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, hereby, prohibit in the interest of public health, the manufacture, storage, sale or distribution of Gutkha (which includes Premium Maalidar in Gutkha, Swagat Gutkha, Shikhar Gutkha, Premium Harpal Gutkha and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, in the whole of Union Territory of Chandigarh for one year from the date of issue of this Order.


Commissioner of Food Safety,
Chandigarh Administration.

Annexure R-IV

OFFICE OF THE COMMISSIONER OF FOOD SAFETY
CHANDIGARH ADMINISTRATION
ORDER

No. DO-2016/ 1293

Dated, Chandigarh the: 26/10/16


WHEREAS, Regulation 2.3.4 of the Food Safety & Standards Prohibition and Restriction on Sales) Regulations, 2011 made by the Food Safety & Standards Authority of India in exercise of the powers conferred by Section 92 of the Food Safety and standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, Gutkha and Panmasala are the articles of food in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha and pan masala in the Union Territory of Chandigarh being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety, Chandigarh Administration, is empowered under Section 30 of the Food Safety & Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of the Union Territory of Chandigarh for a period not exceeding one year.

NOW, THEREFORE, the undersigned in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, hereby, prohibit in the interest of public health, the manufacture, storage, sale or distribution of Gutkha and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, in the whole of Union Territory of Chandigarh for one year from the date of issue of this Order.


ANURAG AGGARWAL, IAS
Commissioner of Food Safety,
Chandigarh Administration

Regd. Post

From

The Designated Officer,
Govt Multi Speciality Hospital,
Sector-16, Chandigarh

To

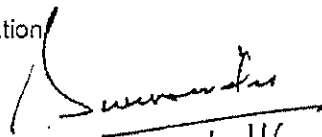
✓ The Assistant Director (Regulatory Compliance Division)
Food Safety & Standards Authority of India,
FDA Bhawan, Kotla Road, New Delhi-110002.

Memo No. DO-2016/ 1465
Dated, Chandigarh the: 30/11/16

Subject: Action taken on order dated 23-09-2016 passed by Hon'ble Supreme Court of India in transfer Case (Civil) No. 1 of 2010 titled as Central Arecanut Marketing Copn & Ors. regarding ban on manufacturing and sale of Gutkha and Pan Masala with Tobacco and/ or Nicotine.

Reference to E-mail received from Enforcement _FSSAI on 30-11-2016 on the subject cited above.

In response to this the Commissioner Food Safety UT, Chandigarh has already prohibited in the interest of public health, the manufacture, storage, sale or distribution of Gutkha and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, in the whole of Union Territory of Chandigarh by order issued vide the No. DO-2016/1293 dated 26-10-2016 for one year. Necessary affidavit of Assistant Commissioner Food Safety, UT, Chandigarh in compliance to the orders dated 23-09-2016 passed by the Hon'ble Supreme Court of India has already been submitted to Sh. Manpreet Singh Doabia, Advocate, who is defending this case before the Hon'ble Supreme Court of India on behalf of Chandigarh Administration for filing before the Hon'ble Supreme Court of India and defending this case before the Hon'ble Supreme Court of India on behalf of Chandigarh Administration.


30/11/16

DA: As above

Designated Officer,
Govt Multi Specialty Hospital,
Sector-16, Chandigarh.

Endst. No. DO-2016/

Dated Chandigarh the

A copy is forwarded to the following for information please:-

1. The PA to Health Secretary-cum-Commissioner of Food Safety, UT, Chandigarh.
2. The Steno to Director Health & Family Welfare-cum-Assistant Commissioner of Food Safety U.T. Chandigarh.

Designated Officer,
Govt Multi Specialty Hospital,
Sector-16, Chandigarh.



Directorate of Food & Drugs Administration
Government of Goa
Dhanvantari, Opp. Shrine of the Holy Cross, Bambolim - Goa - 403 202

No: DFDA/PFAA-121(98)/Vol III/2013

4539

October 26, 2016

To,
Mr. Pratap Venugopal
K. J. John & Co.,
428, M C Setalvad Lawyers Chambers,
Opposite Supreme Court of India,
Gate - D,
Bhagwan Das Road,
New Delhi - 110 001

Sub: Filing of affidavit by the State of Goa in Special Leave to Appeal (civil) No. 16308 of 2007 in matter of Ankur Gutka v/s Indian Asthma Care Society

Sir,

Consequent to the orders dated 23/09/2016 passed by the Hon'ble Supreme Court of India in the above Special Leave to Appeal (Civil), I am to enclose herewith the affidavit executed and affirmed by the Secretary (Health), State of Goa on behalf of the State in subject matter dated 26/10/2016, to be filed before the Hon. Supreme Court of India, as the matter is likely to be listed for hearing on the 9th November 2016;

Kindly acknowledge the receipt of the this affidavit for our office records;

Yours faithfully

Salim A. Velje
Director, Food & Drugs Administration &
Commissioner, Food Safety, Goa

Encls:

As mentioned above affidavit in original; along with 14 additional photocopies of the said affidavit, as advised by Adv. Salvador Rebello;

Phone Nos.: +91 (832) - 2459226 / 2459230

Fax No.: 0832 - 2459225

Directorate of Food & Drugs Administration

www.dfda.goa.gov.in

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

SPECIAL LEAVE TO APPEAL (CIVIL) No. 16308 of 2007

IN THE MATTER OF:

Ankur Gutka

PETITIONER

v/s

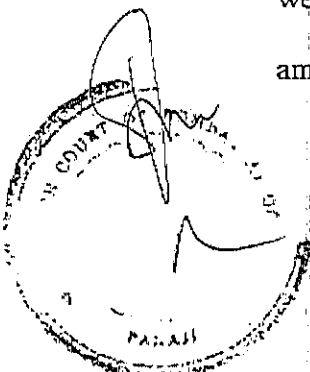
Indian Asthma Care Society & Ors

RESPONDENTS

AFFIDAVIT ON BEHALF OF SECRETARY (HEALTH) - STATE OF
GOA

I, Shri Sudhir Mahajan, IAS, aged 55 years, residing at Altinho, Panaji - Goa and working as the Commissioner & Secretary (Health), Government of Goa, Secretariat, Porvorim - Goa do hereby solemnly affirm and declare as under:

1. That I am the Commissioner & Secretary (Health) at the Government of Goa and well conversant with the subject matter over the enforcement and implementation of the ban / prohibition over the manufacture / sale of Gutka in the State of Goa and am competent to file the subject affidavit. I have gone through the contents of the orders dated 23.09.2016 passed by the Hon'ble Supreme Court of India in the above Special Leave to Appeal (Civil), where Hon'ble Court has directed Secretaries of Health Departments of all remaining 23 States to file their affidavits within 4 weeks of the aforesaid order dated 23.09.2016 and in pursuance thereof I am filing the present Affidavit.



2. I state that pursuant to the Order dated 03.04.2013 passed by this Hon'ble Court, the State of Goa through its then Principal Secretary (Health), sari Parimal Rai, LAS had filed an Affidavit dated 03.06.2013 before this Hon'ble Court. Annexed hereto and marked as Annexure - A is copy of Affidavit dated 03.04.2013 for convenience purposes.

3. I state that vide order dated 23.09.2016, this Hon'ble Court passed the following directions which are reproduced herein below for ready reference:

"At this stage, learned Amicus Curiae has invited the attention of the Court to the Order dated 3.4.2013 passed by this Court. The relevant part of the said order reads as follows:

"Ms. Indira Jaising, learned Additional Solicitor General invited the Court's attention to notifications issued by the Government of 23 States and the Administrators of 5 Union Territories for imposing complete ban on Gutkha and Pan Masala with tobacco and/or nicotine and then stated that notwithstanding the ban the manufacturers have devised a subterfuge for selling Gutkha and Pan Masala in separate pouches and in this manner the ban is being flouted. Ms. Indira Jaising also placed before the Court xerox copy of D.O.No.P.16012/12/11-Part I dated 27.08.2012 sent by the Special Secretary, Ministry of Health and Family Welfare, Government of India to the Chief Secretaries of all the States except the States of Madhya Pradesh, Kerala, Bihar Rajasthan Maharashtra, Haryana, Chhatisgarh and Jharkhand and submitted that the Court may call upon the remaining States and Union Territories to issue necessary notifications. In view of the statement

made by the learned Additional Solicitor General, we order issue of notice to the Chief Secretaries of the States and the Administrators of the Union Territories which have so far not issued notification in terms of 2006 Act to apprise this court with the reasons as to why they have not taken action pursuant to letter dated 27.08.2012. We also direct the Secretaries, Health Department of all the 28 States and 5 Union Territories to file their affidavits within four weeks on the issue of total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

Learned Amicus Curiae has also invited our attention to paragraph 21 of the Written Submissions on behalf of the Ministry of Health and Family Welfare, Government of India, in S.L.P. (C) No. 16308 of 2007 which reads as follows:

"21. It is most respectfully submitted that to circumvent the ban on the sale of gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. Hence, instead of the earlier "ready to consume mixes", chewing tobacco companies are selling gutkha in twin packs to be mixed as one"

Learned Amicus Curiae has also pointed out that this Court has not granted any stay of Regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011 and the concerned authorities are duty bound to enforce the said regulation framed under Section 92 read with Section 26 of the Food Safety & Standards Act, 2006.

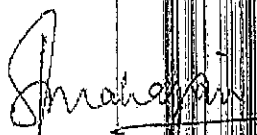
In view of the above, the concerned statutory authorities are directed to comply with the above mandate of law. We also direct the Secretaries Health Department of all the States and Union Territories to file their affidavits before the next date of hearing on the issue of total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine."

4. I state that it is pertinent to note that the State of Goa has enacted the Goa Public Health (Amendment) Act 2005, which Act provides for a complete ban on the manufacture for sale, sell, distribution, storing, stocking or conveying of any food articles containing tobacco or tobacco extracts which is commonly known as Gutka.
5. I state that from the date of the aforesaid enactment that is in the month of October 2005, State of Goa through its various enforcing agencies such as the Food and Drugs Administration, Police etc has been prudently and strictly enforcing the ban on the manufacture for sale, sell, distribution, storing, stocking or conveying of any food articles containing tobacco or tobacco extracts which is commonly known as Gutka under the Goa Public Health (Amendment) Act 2005.
6. I state that in essence the Goa Public Health (Amendment) Act, 2005 wholly fulfills and complies with the objectives and principles of the Regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011, in letter and spirit. Moreover, the ban is in the nature of a permanent imposition.

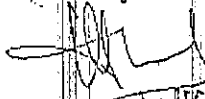
In view of the above submissions I state that there is compliance on behalf of the State of the Goa in so far as enforcement and imposition of ban on the manufacture for sale, sell, distribution, storing, stocking or conveying of any food articles containing tobacco or tobacco extracts within the State of Goa since October 2005 and therefore there is strict compliance of the directions of this Hon'ble Court

I swear that the contents of my above affidavit are true and correct to the best knowledge and the information is derived from the records available in the State and nothing is suppressed or concealed there from.


Verified at Panaji - Goa on this 26th day of October 2016


DEPONENT
Secretary (Health)
Government of Goa
Secretariat, Porvorim - Goa

Identified by me -

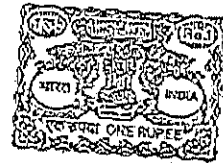

26/10/16
P. P. Dhurkhan

Solemnly affirmed before me
by J. Mahajan
who is identified before me
by P. P. Dhurkhan
whom I personally know
Dated this 26th day of Oct
2016.


26/10/16
Assistant Registrar
High Court of Bombay
Panaji Bench (Goa)

A

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)



SPECIAL LEAVE TO APPEAL (Civil) No. 16308 of 2007

IN THE MATTER OF

ANKUR GUTKA

..... PETITIONERS

Versus:

Indian Asthma Care Society & ORS

..... RESPONDENTS

Affidavit on behalf of Principal Secretary (Health), Government of Goa

K/
I, shri PARIMAL RAI, IAS, aged 51 years, residing at Altinho, Panaji - Goa
and working as the Principal Secretary (Health), Government of Goa,
Secretariat, Porvorim, Goa do hereby solemnly affirm and declare as
under:

1. That I am the Principal Secretary (Health) at the Government of Goa and am well conversant with the subject matter over the enforcement and implementation of the ban / prohibition over the manufacture / sale of Gutka in the State of Goa and am competent to file the subject affidavit; I have gone through the contents of the orders dated 03.04.2013 passed by Hon'ble Supreme Court of India in the above Special Leave to Appeal (Civil), wherein Hon'ble Court has directed Secretaries of Health Department of all remaining 23 States to file their affidavits within 4 weeks of the ban imposed on the manufacturing and sale of Gutka and Pan Masala with tobacco and / or nicotine;
2. It is respectfully submitted that the Government of Goa did receive a formal communication from the Special Secretary, Ministry of Health & Family Welfare, Government of India, New Delhi vide their D O letter no P.16012/12/11-Part - I dated 27.08.2012 addressed to all the Chief Secretaries of the States, requesting the States to enforce a ban on the manufacture, sale and storage of Gutka and Pan Masala containing tobacco and / or nicotine, on the lines of notification issued by several

other States across the country under the Food Safety and Standards Act, 2006;

3. It is also respectfully submitted that consequent to the above communication, the Special Secretary, Ministry of Health & Family Welfare, Government of India, New Delhi vide undersigned's D O letter no DFDA/PFA(98)/2012 - 13/Part dated 19.10.2012 was appraised that the State of Goa has already enacted a special legislation named 'Goa Public Health (Amendment) Act, 2005', under which a ban has already been imposed in the State of Goa on the manufacture for sale, sell, distribution, storing, stocking or conveying of any food articles containing tobacco or tobacco extracts (commonly known as 'Gutka') since 2nd October 2005 and that the said amended Act had also come under legal scrutiny challenging its validity before the High Court of Bombay at Panaji - Goa bench and the State had successfully sustained the validity of the said legislation and Hon'ble High Court was pleased to dismiss all such Writ petitions filed against it.

4. It is further respectfully submitted that the Special Secretary to the Ministry of Health & Family Welfare, Government of India was also informed that consequent to the dismissal of the Writ Petition before the Hon'ble High Court, the Petitioners in the said writ petitions had approached the Hon'ble Supreme Court of India through a Special Leave Petition In Appeal (Civil) no. 11318 of 2006 and at Civil Appeal no. 3806 of 2007 and although the Supreme Court had admitted both the Petitions, no specific relief of any nature were granted and the matter is yet to come to be listed for its final hearing before the Hon'ble Supreme Court and hence, the Gutka ban in the State remained in force under the Goa Public Health (Amendment) Act, 2005;

5. It is respectfully submitted that the Special Secretary to the Ministry of Health & Family Welfare, Government of India was also informed that the State of Goa since October 2005 through its various enforcing agencies namely the Food & Drugs Administration, Police, etc have been successfully enforcing the said ban under the Goa Public

Health (Amendment) Act, 2005, which ban was of a permanent nature, unlike the notification / orders issued by the other States under the Food Safety and Standards Act, 2006, where prohibition period cannot exceed beyond one year from the date of issue of such notification / orders and in the light of the aforesaid reasons, the State of Goa did not envisage the need to resort to any additional ban orders under the Food Safety and Standards Act, 2005;

Copy of the Goa Public Health (Amendment) Act, 2005 as published in the Official Gazette, Government of Goa as well as the copy of the D O letter dated 19.10.2012 of the State of Goa in this regards addressed to the Special Secretary to the Ministry of Health & Family Welfare, New Delhi are annexed herewith for ready reference;

6. Thus it is respectfully submitted that the State of Goa has already been enforcing the ban on the manufacture for sale, sell, distribution, storing, stocking or conveying of any food articles containing tobacco or tobacco extracts since October 2005 and that there has been a total compliance in terms of the objective, principles and spirit of the D O letter dated 27.08.2012 communication of the Special Secretary to the Ministry of Health & Family Welfare, Government of India in the State of Goa;

I swear that the contents of my above affidavit are true and correct to the best of my knowledge and the information is derived from the records available in the State and nothing is suppressed or concealed there from.

Verified at Panaji - Goa on this twenty-second day of May two thousand and thirteen.

Smt. Parimala Rai
P.D. Dabekar
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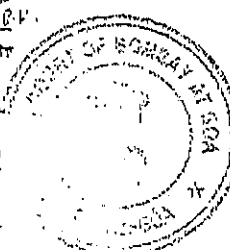
22/05/2013

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22/05/2013



[Signature]

DEPONENT

Principal Secretary
Government of Goa
Secretariat, Porvorim

**GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF HEALTH & FAMILY WELFARE
CIVIL SECRETARIAT : ITANAGAR**

No. MFS- 07/2012

Dated the 17th October 2016

ORDER

The Hon'ble Supreme Court of India vide interim directions dated 23.9.2016 in the SLP(C) 16308 of 2007 in the matter of Ankur Gutkha Vs Union of India has directed strict enforcement of the Regulation No. 2.3.4 of the Food Safety and Standards(Prohibition and Restriction on Sales)Regulations,2011 framed under Section 92 r/w Section 26 of the Food Safety and Standards Act,2006.

Regulation 2.3.4 of FSS (Prohibition and Restriction on Sales) Regulations,2011 reads as under:

"PRODUCTS NOT TO CONTAIN ANY SUBSTANCES WHICH MAY BE INJURIOUS TO HEALTH:TOBACCO AND NICOTINE SHALL NOT BE USED AS INGREDIENTS IN ANY FOOD PRODUCTS".

Therefore, the manufacture, storage, distribution or sale of **GUTKHA/PAN MASALA** containing **TOBACCO and NICOTINE** is prohibited throughout the State under the said provision. Anyone found selling or storing, the banned articles of food shall be liable to a penalty which may extend up to two lakhs rupees.

All Deputy Commissioners, Additional Deputy Commissioners(Independent Charge), District Superintendent of Police, District Medical Officers cum Designated Officers and Food Safety Officers shall ensure compliance of the said order in their respective districts/areas.

This order shall come into force with immediate effect from the date of its notification.

Sd/-
(KALING TAYENG)IAS
Commissioner (Health & Family Welfare)
cum Commissioner Food Safety
Government of Arunachal Pradesh
ITANAGAR

Memo No. MFS- 07/2012

Dated the 17th October 2016

1. The PPS to Hon'ble Chief Minister , Arunachal Pradesh, Itanagar.
2. The PS to Hon'ble Minister (Health & FW) Arunachal Pradesh, Itanagar.
3. The PS to Chief Secretary, Government of Arunachal Pradesh, Itanagar.
4. The Hon'ble Parliamentary Secretary , Health & FW, Arunachal Pradesh, Itanagar.
5. The Director General of Police, Government of Arunachal Pradesh, PHQ Itanagar.
6. The Chief Executive Officer, Food Safety and Standards Authority of India, FDA Bhavan, Kotla Road, New Delhi-110002.
7. The Director of Information and Public Relations, Government of Arunachal Pradesh, Naharlagun, for press note/ press advertisement.
8. All Deputy Commissioners/Addl. Deputy Commissioners(Independent Charge) Government of Arunachal Pradesh.
9. All District Superintendent of Police, Government of Arunachal Pradesh.
10. All District Medical Officers cum Designated Officers, Government of Arunachal Pradesh.
11. All Food Safety Officers, Government of Arunachal Pradesh.
12. The General Secretary Arunachal Pradesh Chamber of Commerce and Industry.
13. All Bazar Committees, Arunachal Pradesh.
14. Office copy.

(KALING TAYENG)IAS
Commissioner (Health & Family Welfare)
cum Commissioner Food Safety
Government of Arunachal Pradesh
ITANAGAR

8460/R&P/FSSAI
25/09/17

1216/ADCC
26/9/17

GOVERNMENT OF MEGHALAYA
OFFICE OF THE COMMISSIONER OF FOOD SAFETY, HEALTH COMPLEX,
LAITUMKHAH, MEGHALAYA, SHILLONG

No. CFSM/FSSA/2012/ Prohibitions. / 35/217

Dated Shillong 31st August 2017

ORDER

WHEREAS, regulation 2.3.4 of the Food Safety & Standards (Prohibition and Restriction on Sales) Regulations, 2011 was made by the Food Safety & Standards Authority of India in exercise of the powers conferred by clause (i) of sub-section (2) of Section 92 of the Food Safety & Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND, WHEREAS, Gutkha and Pan Masala are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days,

AND, WHEREAS, it is expedient to prohibit Gutkha and Pan Masala in the state of Meghalaya, being food products in which tobacco and nicotine are widely used as ingredients;

AND, WHEREAS, the Commissioner of Food Safety of the State is empowered under section 30 (2) (a) of the Food Safety and Standards Act, 2006 to issue prohibition order on the manufacture, storage, transport, distribution or sale of any article of food in the whole State for one year in the interest of public health,

NOW, THEREFORE, in pursuance to clause (a) of sub-section (2) of section 30 of the Food Safety & Standards Act, 2006 (34 of 2006) and in continuation of the Notification No.CFSM/FSSA/2012/Prohibitions./35/2057 Dated 15th May, 2014, No.CFSM/FSSA/2012/ Prohibitions /35/83 Dated 12th June 2015 and No. CFSM/FSSA/2012/ Prohibitions. / 35/150, Dated Shillong, 8th June 2016, the undersigned do hereby prohibit the manufacture, storage, transport, sale or distribution of Gutkha and Pan Masala containing either tobacco and/or nicotine as ingredients by whatsoever name it is available in the market in the state of Meghalaya for a further period of 1(one) year with effect from 20th May 2017, in the interest of Public Health.

Memo.No. CFSM/FSSA/2012/ Prohibitions. / 35/218-40

(Sd/-Shri P.W.Ingty)
Commissioner of Food Safety
Meghalaya, Shillong.
Dated Shillong 31st August 2017

1. The P.S. to the Hon'ble Chief Minister, to the Govt of Meghalaya for the information of the Hon'ble Chief Minister, to the Govt of Meghalaya.

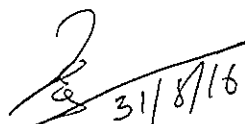
2. P. S. to the Hon'ble Minister, to the Govt of Meghalaya i/c Health & Family Welfare Deptt.etc for the information of the Hon'ble Minister, to the Govt. of Meghalaya I/c Health & Family Welfare Deptt. etc .

3. The P. S. to the Chief Secretary, to the Govt. Of Meghalaya for the information of the Chief Secretary, to the Govt. of Meghalaya.

4. The Secretary, Ministry of Health & Family Welfare, Nirman Bhavan, New Delhi.

5. The P.S.to the Additional Chief Secretary, to the Govt. of Meghalaya, Health & Family Welfare Deptt.etc for information of Additional Chief Secretary.

6. **Shri Ashis Bahuguna, Chairperson** , Food Safety & Standards Authority of India, Kotla Road, New Delhi-110002 for information .
7. **Shri Pawan Kumar Agarwal, IAS, Chief Executive Officer**, Food Safety & Standards Authority of India, Kotla Road, New Delhi-110002 for information
8. **Shri D.P.Wahlang, IAS, Principal Secretary**, to the Government of Meghalaya, Urban Affairs Department etc.
9. **The Commissioner & Secretary**, to the Govt.of Meghalaya, District Council Affairs etc.
- 10.**Shri H,M Shangpliang, IAS, Secretary**, to the Govt of Meghalaya, Health & Family Welfare Deptt etc for information.
11. **Shri W.Khylllep, IAS, Secretary**, to the Govt. of Meghalaya, Law Department, Meghalaya for information.
12. **The Director of Information & Public Relation**, Lower Lachumier, Meghalaya, Shillong for information and with a request to kindly arranged to publish the notification in the 1. The Shillong Times 2. The Nongsain Hima (Khasi) and 3. Salantini Janera (Garos), and submit the bills for payment.
13. **The Director of Health Services (MI/MCH&FW/R)** for information.
14. **The Director, Printer & Stationeries**, Meghalaya Shillong with a request to publish the notification in the next issue of the Gazette of Meghalaya and to provide 30 copies of the notification to the undersigned.
15. **The Deputy Commissioner**, East Khasi Hills/ West Garo Hills/Jaintia Hills/West Khasi Hills/East Garo Hills/ Ri Bhoi District/South Garo Hills Districts/North Garo Hills/East Jaintia Hills/South West Khasi Hills/South West Garo Hills, Shillong/Tura/Jowai/Nongstoin/Williamagar/Nongpoh/Baghmara/Resubelpara/Khliehriat/Mawkyrwat/Ampati for information and necessary action..
16. **The Superintendant of Police**, East Khasi Hills/ West Garo Hills/Jaintia Hills/West Khasi Hills/East Garo Hills/ Ri Bhoi District/South Garo Hills Districts/North Garo Hills/East Jaintia Hills/South West Khasi Hills/South West Garo Hills, Shillong/Tura/Jowai/Nongstoin/Williamagar/Nongpoh/Baghmara/Resubelpara/Khliehriat/Mawkyrwat/Ampati for information and necessary action..
17. **Deputy Director**, North Eastern Region, Food Safety & Standards Authority of India, Guwahati.
18. **The Joint Commissioner of Food Safety**, Meghalaya, Shillong for information.
19. **District Medical & Health Officer**, _____ District _____ for information.
20. **The Asst. Commissioner of Food Safety (Designated Officer)**, West Garo Hills , Tura / East Khasi Hills Khasi Hills, Shillong & West Jaintia Hills , Jowai.
21. **The Secretary**, Meghalaya Voluntary Health Association, Shillong.
22. **The President/ Secretary**, Meghalaya Chamber of Commerce, Shillong for information
23. **The Food Safety Officer**, _____ District _____ o/o the Dist Medical & Health Officer _____ for information and to ensure compliance.


31/8/16
Joint Commissioner of Food Safety
Meghalaya, Shillong

Shillong (4)

GOVERNMENT OF MEGHALAYA
OFFICE OF THE COMMISSIONER FOOD, HEALTH COMPLEX,
LAITUMKHAH, MEGHALAYA, SHILLONG.

No.CFSM/FSSA/2011/35/Prohi/219

Dated Shillong, 30th Nov. 2016

To,

Assistant Director (Regulatory Compliance Division)
Food Safety & Standards Authority of India
Kotla Road, New Delhi.,

**Sub: Action Taken on Hon'ble Supreme Court dated 23.09.2016
Tobacco/Gutka case.**

Ref.: Your email dated 30th Nov. 2016

Sir,

With reference to the above and in response to your email dated 30th Nov 2016, I have the honour to submit herewith the action taken report on the Honourable Supreme Court Order dated 23rd Sept 2016 as follows:

1. In compliance to the section 2.3.4 of the Food Safety & Standards (Prohibition & Restriction on Sales) Regulations, 2011, The Commissioner of Food Safety, Meghalaya Shillong has prohibited the manufacture, the storage, transport, the sale or the distribution of Gutkha and Pan Masala containing either tobacco and/or nicotine as an ingredient in the State of Meghalaya with effect from 20th May 2014 vide notification No.CFSM/FSSA/2012/Prohibition/35/2057 dt. 15/5/2014 for a period of one year.
2. The prohibition issued vide notification No. CFSM/FSSA/2012/Prohibition/35/2057 dt. 15/5/2014 was extended for another period of 1(one) year with effect from 20/5/2015 vide notification No. CFSM/FSSA/2012/Prohibition/35/83 dated 12th June 2015.
3. Considering the health hazard due to consumption of Gutkha & Pan masala containing tobacco and /or nicotine as an ingredient, the manufacture, the storage, transport, the sale or the distribution of Gutkha and Pan Masala containing either tobacco and/or nicotine as an ingredient the prohibition has been extended for a further period of 1(one) year with effect from 20th May 2016 up-to 20th May 2017 vide notification No. CFSM/FSSA/2012/Prohibition/35/150 dated 8th June 2016.

4. Regular inspection/checking/raids and monitoring of such products are done/conducted by the teams of Food Safety Officers. Special drive was also conducted by the team of Officers of the Commissionerate of Food Safety with District Administrations and Police to ensure that no such products are sold in the market. This will be conducted in future too
5. Further, as per the direction and in compliance to the Honourable Supreme Court order dated 23.09.2016, Affidavit on the action taken on Gutkha & Panmasala containing tobacco/and or nicotine as an ingredient has been filed vide No.Health.286/2016/52 Dated 4th Nov.2016.

This is for your information and necessary action.

Yours faithfully,



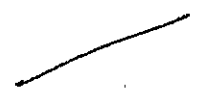
(Shri. S.N. Sangma)

Deputy Commissioner of Food Safety
Meghalaya, Shillong.

Memo No.CFSM/FSSA/2012/35/Prohi/220-21
Nov. 2016

Dated Shillong, 30th

1. Shri Y. Tsering, IAS, **Additional Chief Secretary** to the Government of Meghalaya Health & Family Welfare Department etc and **Commissioner** (Food Safety), Meghalaya, Shillong for information.
2. Shri K W Marbaniang, IAS, Secretary to the Government of Meghalaya Health & Family Welfare Department for information.



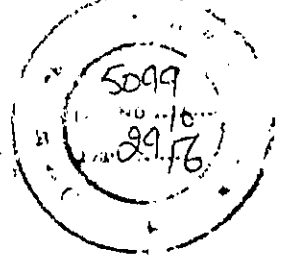
Deputy Commissioner of Food Safety
Meghalaya, Shillong

Himachal

Annexure - "A"

Authoritative English Text of this Department Notification No. Health-A-A(1)-1/2013-Loose-III as required under clause (3) of article 348 of the Constitution.

GOVERNMENT OF HIMACHAL PRADESH
FOOD SAFETY & STANDARDS AUTHORITY
HIMACHAL PRADESH



Health-A-A(1)-1/2013-Loose-III

Dated: Shimla, the 28th October, 2016

NOTIFICATION

WHEREAS, regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 prohibits the use of tobacco and nicotine as ingredients in any food products;

And Whereas, Tobacco, containing Gutka or Pan Masala, Scented/Chewing Pan Masala or Tobacco, Supari, Khaini, Masher, Zarda, etc. known by any names are injurious to health;

And Whereas, Gutka is an article of food which contains tobacco and now-a-days contains Tobacco, Nicotine and Magnesium Carbonate as ingredients; and thus contravenes regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on sales) Regulations, 2011 as well as Regulation 3.1.7 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011;

And whereas, Pan Masala is an article of food which contains Magnesium Carbonate as an ingredient and thus contravenes Regulation 3.1.7 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011;

*Pr. Secretary (Food Safety) to the
Govt. of Himachal Pradesh, Shimla*

And whereas, it is expedient to prohibit the manufacture, storage, sale, distribution of products i.e. Gutka, Pan Masala, Scented/Chewing, Supari, Khaini, Masher, Zarda etc. as final products containing Tobacco or Nicotine or Magnesium Carbonate as ingredients.

Now therefore, I, the Food Safety Commissioner, Himachal Pradesh, in exercise of the powers conferred under clause (a) of sub-section 2 of Section 30 of the Act read with Regulation 2.3.4 and 3.1.7 of the aforesaid Regulations, prohibit the products marketed separately to constitute Gutka or Pan Masala, Scented/Chewing Pan Masala or Tobacco, Supari, Khaini, Masher, Zarda etc. by whatever name these are

*Attested may
be drafted as
discussed
D.O. (HQ) 29/10/16*

-:2:-

called as final products in the whole of the State of Himachal Pradesh for a period of one year from the date of publication of this notification in the Rajpatra, Himachal Pradesh and further order that if the said products are manufactured, stored, sold/distributed in the State of Himachal Pradesh, the persons doing so, will be proceeded/penalized against as per the provisions of the Act ibid.

By Order

Commissioner Food Safety-cum-
Principal Secretary (Health) to the
Government of H.P.

Dated: Shimla-2 28th October, 2016

Endst.No.As above

Copy forwarded for information and necessary action to:-

Copy forwarded for information and necessary action to:-

1. The PS to Hon'ble Chief Minister/Hon'ble Health Minister, H.P. Shimla-2.
2. The Registrar, H.P. High Court, Shimla-1.
3. All the Administrative Secretaries, H.P.
4. The Director of Health Services, H.P. Shimla-9.
5. The Director of Dental Health Services, H.P. Shimla-9.
6. The Director, Health Safety and Regulation, H.P. Shimla-9.
7. All the Head of Departments, H.P.
8. The State Drugs, Controller, H.Q. Baddi, Distt. Solan, H.P.
9. The Addl. Secretary (GAD) to the Govt. of H.P. Shimla-2
10. The Finance Department (Fin.-Exp.), H.P. Secretariat, Shimla-2.
11. The Director, General of Police, H.P.
12. All the CMOs/Medical Superintendents in Himachal Pradesh.
13. The Section Officer, Health-B & Health-C.
14. All Deputy Commissioners, H.P.
15. All Distt. & Sessions Judge in H.P.
16. All the Adjudicating Officer (FSSAI) in H.P.
17. The Controller, Printing & Stationery, H.P. Shimla-5.
18. Guard file.

Pr. Secretary (Health) to the
Govt. of Himachal Pradesh

(Bhaskar Thakur)
Under Secretary (Health) to the
Government of Himachal Pradesh

Maharashtra

No :- FSSA/KUM/992/16/7
Food Safety Commissioner,
Food & Drug Administration, M.S.
Survey No. 341,
Bandra Kurla Complex,
Bandra (E), Mumbai - 400 051
Date: - 01/12/2016

To

Chief Executive Officer,
Food Safety and Standard's Authority of India,
FDA Bhavan, Kotla Road
New Delhi.

Sub: Action taken report on the Hon.ble Supreme Court Order
dated 23/09/2016 by state of Maharashtra.

Ref: Mail from Assistant Director (Regulatory Compliance Division)
dated 30/11/2016.

R/Sir

With reference to above subject it is submitted that we have received the mail from Assistant Director, (Regulatory Compliance Division) asking about the action taken as per judgment of Hon. Supreme court in Transfer Case (C) 1 of 2010, Dt. 23.09.2016 . In this connection we would like to submit that Maharashtra state is enforcing the Regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on sales) Regulation 2011 of the Food Safety and Standards Act 2006, in letter and spirit in the State.

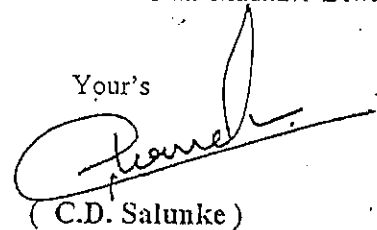
All the enforcement authorities in the state of Maharashtra has been instructed to enforce the said order strictly in their respective jurisdiction vide memo dated 8th August 2016, and to enforce the Regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on sales) Regulation 2011.

We are continuously implementing said regulation 2.3.4 strictly and for this the state of Maharashtra issued prohibition order form year 2012 every year. From year 2012 until now we have seized such prohibited articles of amount about Rs. 88 cores and launched 3188 prosecutions against who were violating the aforesaid provision.

[As per the direction of Hon. Supreme Court to file the affidavit by the Secretary in the Transfer Case (C) No. 1/ 2010, the Add. Chief Secretary Medical Education and Drugs Dept. of Govt. of Maharashtra is filing the affidavit and this is already ready and it is notarized and send to Govt. Pleader of the State of Maharashtra in Supreme Court of India for filling. It will be filled shortly.

Further to defend the all litigation which are attached to this Transfer Petition (No.1 of 2010) ,the request was made to State Government of Maharashtra for appointing the Special Counsel before the Hon.ble Supreme Court. Accordingly the State Govt. Of Maharashtra has engaged the services of Shri Anil Diwan Group I panel Advocate and Smt. Madhavi Diwan Group III panel Advocate.

Your's



(C.D. Salunke)

For Food Safety Commissioner,
Food & Drug Administration, Mumbai
Maharashtra State

Assam

BY EMAIL

GOVERNMENT OF ASSAM
HEALTH & FAMILY WELFARE (A) DEPTT.
DISPUR, GUWAHATI - 781006

No.HLA. 672/2007/276

Dated Dispur the 1st December, 2016.

From : Saurabh Senapati, ACS,
Deputy Secretary to the Govt. of Assam,
Health & Family Welfare (A) Deptt.

To : The Asstt. Director.,
(Regulatory Compliance Division),
FSSAI, FDA Bhawan, Kotla Road,
New Delhi-110002.

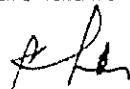
Sub : Submission of action taken report on ban imposed against Gutkha and
Pan Masala with Tobacco and/or Nicotine.

Ref : FSSAI's e-mail dated 30/11/2016

Sir,

I am directed to enclose a copy of Action Taken Report by the
Government of Assam in respect of ban imposed on manufacturing and sale of Gutkha
and Pan Masala with Tobacco and/or Nicotine, for your kind needful.

Yours faithfully,



Deputy Secretary to the Govt. of Assam
Health & Family Welfare (A) Deptt.

Memo No.HLA. 672/2007/276-A

Dated Dispur the 1st December, 2016.

Copy to:-

1. Commissioner & Secy. to the Govt. of Assam, Health & F.W. Deptt., Dispur.
2. Secretary to the Govt. of Assam, Health & F.W. Deptt., Dispur.
3. Commissioner of Food Safety and Drug Administration, Banphool Path,
Guwahati-6.

By Orders etc.,


Deputy Secretary to the Govt. of Assam
Health & Family Welfare (A) Deptt.

**ACTION TAKEN REPORT ON BAN IMPOSED AGAINST GUTKHA AND PAN MASALA
WITH TOBACCO AND/ OR NICOTINE**

The Govt. of Assam under Health & Family Welfare Department in the interest of public health prohibited the storage, sale, transportation, display or distribution of Gutkha under Regulation 2.3.4 of Food Safety & Standards (Prohibition & Restriction of Sales) Regulations, 2011 by whatever name and Pan Masala containing tobacco and or nicotine as ingredient by whatsoever name under Food Safety and Standards Act, 2006 vide Notification No. HLA.672/2007/Pt-II/71 dtd. 8.3.2013 for a period of 1(one) year with immediate effect and guidelines for enforcement were also issued to all the Deputy Commissioners and Superintendent of Polices of districts vide letter No. FSC.12/2013/26 dtd. 30.05.2013 and No. FSC.12/2013/27 dtd. 30.05.2013 respectively.

Thereafter, the Govt. enacted the "Assam Health (Prohibition of manufacturing, advertisement, trade, storage, distribution, sale and consumption of Zarda, Gutkha, Pan Masala etc containing tobacco and/ or nicotine) Act, 2013" (Act No. 1 of.2014) and notified the 20.02.2014 as the date for enforcement of the aforesaid Act vide Govt. Notification No. HLA.672/2007/Pt-II/406 dtd. 20.02.2014. Subsequently Govt. notified the Designated Officers, Senior Food Safety Officers and Food Safety Officers under Health & Family Welfare (A) Department as Enforcement officials for the enforcement of the Act vide Notification No. HLA.144/2014/7 dtd. 04.03.2014.

The Officers of the Food Safety Enforcement Machineries are keeping strict vigil on the enforcement of the Act in the State.


Deputy Secretary to the Govt. of Assam
Health & F.W Department
Dispur, Guwahati-6

46

Government of Tripura
Health & Family Welfare Department

NO.F.13 (1-50)-DFWPM/FSSA/2015

Dated, Agartala, the 29/03/2016.

ORDER

WHEREAS, regulation 2.3.4. of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (Central Act, 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health.

AND WHEREAS, Gutkha and Pan Masala are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days.

AND WHEREAS, it is expedient to prohibit Gutkha and Pan Masala in the State of Tripura, being food products in which tobacco and nicotine are widely used as ingredients.

AND WHEREAS, the Commissioner of Food Safety of the State is empowered under Section 30 of the Food Safety and Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage distribution or sale of any articles of food in the whole of State.

AND WHEREAS, as per order of even number dated 31/03/2015 it was prohibited for 1(one) year w.e.f. 30th April, 2015.

NOW, THEREFORE, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, the manufacture, the storage, the sale or the distribution of Gutkha and Pan Masala containing tobacco or nicotine as ingredients, by whatsoever name it is available in the market, is hereby extended the prohibition for a further period of, 1(one) year w.e.f. 30th April, 2016 in the State of Tripura in the interest of Public Health.


(M. NAGARAJU)

Commissioner of Food Safety &
Principal Secretary, Health & F.W. Department,
Government of Tripura,
Agartala,

Tripura

SPEED POST DELIVERY

NO.F. 7(181)-FWPM/ESTT/LAW/2013/191
GOVERNMENT OF TRIPURA
DIRECTORATE OF FAMILY WELFARE & P.M.

Dated, Agartala, the 31st October, 2016.

To
Mr. Gopal Singh, Advocate,
Standing Counsel, Tripura,
20-A, Lawyers Chambers,
Supreme Court of India,
New Delhi- 110001.

Subject :- Petition for special leave to Appeal (Civil) Nos. 16308 of 2007 and 19467 –
19469 of 2007. – Ankur Gutkha Etc. Vs. Indian Asthma Care Society & Others -
compliance report thereof.

Sir,

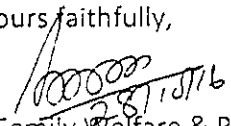
In the above noted subject and reference, I am to inform you that a copy of order dated 20.09.2016 passed by the Hon'ble Supreme Court of India in Transfer Case No. 1/2010 is received from the Assistant Registrar, Supreme Court of India, New Delhi on behalf of the Chief Secretary, Tripura for taking necessary action (Copy enclosed). In the order, it is directed to the Chief Secretaries of the States to show reason which have not so far issued notification in terms of 2006 Act in pursuant to letter dated 27.08.2012. It is also directed to file affidavit within four weeks on the issue of total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

In this regards, it is to inform you that the State Government has already issued an order in the State of Tripura in the interest of Health under the regulation 2.3.4. of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 which has been extended for one year with effect from April, 2013 and extended up to April, 2017. Copies of orders dated 30.04.2013, 24.03.2014, 31.03.2015 & 29.03.2016 are enclosed herewith.

Therefore I am to request you kindly to appear in the case in the Supreme Court of India on behalf of State of Tripura and to take necessary steps in compliance to the order date 23.09.2016 of the Hon'ble Court on the next date fixed for.

Encl :- As stated
18 (eighteen) Sheets.

Yours faithfully,


28/10/16
Director, Family Welfare & P.M.
Government of Tripura.

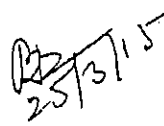
o/c

Copy to:-

1. The PS to the Hon'ble Health Minister, Govt. of Tripura, Agartala for kind information to the Hon'ble Minister.
2. The PS to Chief Secretary, Govt. of Tripura, Agartala for kind information to the Chief Secretary.
3. All Principal Secretaries/ Secretaries, _____ Department, Govt. of Tripura, Agartala for kind information please.
4. All Addl. District Magistrates, _____, for kind information and necessary action.
5. All Directors _____ Department, Govt. of Tripura, Agartala for information and necessary action.
6. All CMOs, _____ for information and necessary action.
7. All Designated Officers, _____ for information and necessary action.
8. All Food Safety Officers _____ for information and necessary action.
9. The Manager, Govt. Press, Government of Tripura, Agartala with request to arrange publication of the order in the next issue of the official Gazette and to supply 20(twenty) copies of the publication to the Joint Food Safety Commissioner, Directorate of Family Welfare & PM, Govt. of Tripura, Agartala.


(M. NAGARAJU)

Commissioner of Food Safety &
Secretary, Health & Family Welfare Department,
Government of Tripura,
Agartala,


25/3/15

44

**Government of Tripura
Health & Family Welfare Department**

NO.F.13 (1-50)-DFWPM/PFA/2011

Dated, Agartala, the 24/9 March, 2014.

ORDER

WHEREAS, regulation 2.3.4. of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (Central Act, 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health.

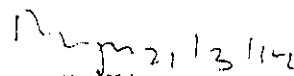
AND WHEREAS, Gutkha and Pan Masala are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days.

AND WHEREAS, it is expedient to prohibit Gutkha and Pan Masala in the State of Tripura, being food products in which tobacco and nicotine are widely used as ingredients.

AND WHEREAS, the Commissioner of Food Safety of the State is empowered under Section 30 of the Food Safety and Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage distribution or sale of any articles of food in the whole of State.

AND WHEREAS, as per order of even number dated 30th April, 2013 it was prohibited for 1(one) year w.e.f. 30th April, 2013.

NOW, THEREFORE, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, the manufacture, the storage, the sale or the distribution of Gutkha and Pan Masala containing tobacco or nicotine as ingredients, by whatsoever name it is available in the market, is hereby extended the prohibition for a further period of one year w.e.f. 30th April, 2014 in the State of Tripura in the interest of Public Health.


(M. NAGARAJU)
Commissioner of Food Safety &
Secretary, Health & Family Welfare Department,
Government of Tripura,
Agartala.

IN THE SUPREME COURT OF INDIA

CIVIL CRL. APPELLATE/ORIGINAL JURISDICTION

XVII A

OF 200

OF 200

T. C. (C) 7/10

Company: H & G Commercial Properties, Inc. PETITIONER(S)

VERSUS

RESPONDENT(S)

INDEX

Sl. No.	Particulars	Copies	Cost/Fees
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Shailesh Medya

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Sialkanti chaurdhang

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Supreme Court of India

TOTAL Rs.

30/ may

17th. February

Advocate for the Petitioners(s)/Respondent(s)

Appellant(s)/Caveator/Intervenor:

2324

New Delhi

Dated :

429



OFFICE OF THE COMMISSIONER OF FOOD SAFETY, KERALA

Thycaud.P.O., Thiruvananthapuram.

Ph: 0471-2322833, 2322844. Fax: 0471-2322855

Email:foodsafetykerala@gmail.com

Website: www.foodsafety.kerala.gov.in

No. B-6102/16/CFS.

Dated: 3.11.2016

To

The Additional Chief Secretary to Government
Health & Family Welfare (E) Department

Sir,

Sub:- CFS – Order of the Hon'ble Supreme Court affidavit filing - reg

**Ref :- 1. Order of Hon'ble Supreme Court dated 23.09.2016 in Transfer Case
(Civil) No.(s) 01/2010 filed by M/s Central Account Marketing Corpn.
2. Govt. Letter No. 904745/E1/2016/H&FWD Dated.05.10.2016**

In compliance with the directions of the order of Hon'ble Supreme Court of India, report was sought from all districts in the matter. Verifying the reports received from districts it is understood that no case was reported "to circumvent the ban on the sale of gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. Hence, instead of the earlier "ready to consume mixes", chewing tobacco companies are selling gutkha in twin packs to be mixed as one".

Further necessary directions is also given to all Assistant Commissioner of Food Safety to ensure that total compliance of ban imposed on manufacture and sale of gutkha and pan masala with tobacco and or nicotine is in place. Copy of direction is also produced herewith and may marked as (Exhibit R1).

Yours faithfully,



Commissioner of Food Safety


8/12

Copy to:

✓ The Advocate General
Office of the Advocate General,
Ernakulam. (For Information)

EXHIBIT - R-1



OFFICE OF THE COMMISSIONER OF FOOD SAFETY, KERALA

Thycaud.P.O., Thiruvananthapuram.

Ph: 0471-2322833, 2322844. Fax: 0471-2322855

Email: foodsafetykerala@gmail.com

Website: www.foodsafety.kerala.gov.in

No. B-6102/16/CFS.

Dated: 3.11.2016

Court Matter/ Strict Compliance

To

The All Assistant Commissioner of Food Safety

Sir,

Sub:- CFS – Order of the Hon'ble Supreme Court Compliance - reg

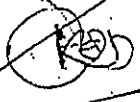
- Ref:- 1. Order of Hon'ble Supreme Court dated 23.09.2016 in Transfer Case (Civil) No.(s) 01/2010 filed by M/s Central Account Marketing Corpn.
2. Govt. Letter No. 904745/E1/2016/H&FWD Dated.05.10.2016
3. Reports received from various districts in the matter

The Hon'ble Supreme Court of India in its order has directed to ensure total compliance of the ban imposed on manufacturing and sale of gutkha and pan masala with tobacco and or nicotine. The Hon'ble Court has also brought to the attention that "to circumvent the ban on the sale of gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. Hence, instead of the earlier "ready to consume mixes", chewing tobacco companies are selling gutkha in twin packs to be mixed as one".

Verifying the reports in the matter received from all districts as referred (3) above it is understood that no such case has been reported. In the circumstances the vigil should be continued and necessary steps should be ensured that total compliance of ban imposed on manufacturing and sale of

gutkha and pan masala with tobacco and or nicotine is in place. Any action to circumvent the ban should be dealt firmly and necessary action should be ensured against the culprits. If necessary, assistance of police and excise officials may also be sought in the matter.

Yours faithfully,


Commissioner of Food Safety

8/4

Gujarat

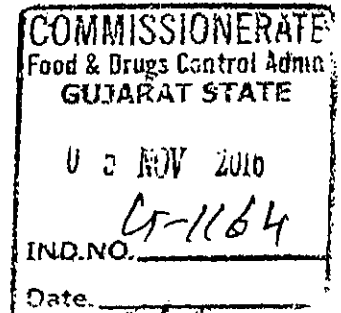
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SPEED POST

h
A
4/11
MIS/10/2016/C.S.10/Sup.Court.Transfer Case/Jh
Health & Family Welfare Department
Sachivalaya, Gandhinagar
Dated 3rd, November, 2016

To,
Hemantika Wahi
Advocate Supreme Court.
235, New Chambers for Lawyers
Supreme Court of India, Bhagwandas Road,
New Delhi-110 001

Sub:- SLP CIVIL.NO.16308/2007

Ankur Gutka Vs. Indian asthma Care Society & others.



Madam,

This is in reference to Hon. Supreme Courts directions dated 23.09.2016 in SLP CIVIL.NO.16308/2007. Ankur Gutka Vs. Indian asthma Care Society & others.

The draft affidavit duly signed is attached herewith. You may kindly file the affidavit in the Hon. Supreme Court.

Moreover your attention is specifically drawn towards the relevant part of order dated 3.4.2013 that has been reproduced in the order dated 23.09.2016. The relevant part and in particular the first Para is reproduced for a glance.

"Ms. Indira Jaising, learned Additional Solicitor General invited the Court's attention to notifications issued by the Government of 23 States and the Administrators of 5 Union Territories for imposing complete ban on Gutkha and Pan Masala with tobacco and/or nicotine and then stated that notwithstanding the ban, the manufacturers have devised a subterfuge for selling Gutkha and Pan Masala in separate pouches and in this manner the ban is being flouted."

This issue is not addressed in the affidavit. This is for your information and action if any required.

Yours faithfully,

(V.G. Vanzara)

Joint Secretary

Health & Family Welfare Department

Copy to:

The Commissioner Food and Drugs Control Authority, Gandhinagar, with a request to comply with this immediately.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.406 OF 2013

IN THE MATTER OF:

ANKUR GUTKHA

... PETITIONER

Versus

INDIAN ASTHAMA CARE SOCIETY & ORS

... RESPONDENTS

AFFIDAVIT IN COMPLIANCE ON BEHALF OF THE STATE OF GUJARAT

I, V.G.Vanzara, joint Secretary, Health and Family Welfare Department, Gujarat state, having my office at sachivalaya, Gandhinagar, Gujarat, do hereby Solemnly affirm and state as under :-

1. That I am the joint Secretary, Health and Family Welfare Department, Gujarat and being familiar with the facts of the writ petition, I am competent to file this affidavit on behalf of the State of Gujarat.
2. That this Hon'ble Court vide order dated 23.09.2016 has directed the Secretary, Health Department of all the States and Union Territories to file their affidavits on the issue of total compliance of the ban on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine
3. That in reply to above direction of this Hon'ble Court, it is humbly submitted that the Government of Gujarat has completely banned the use of tobacco

and nicotine as ingredients in manufacture, storage, distribution and sale of food articles Gutkha and Pan Masala known by any name.

4. That it is humbly submitted that the ban is in force with effect from 11th sept, 2012. Every year the ban is further extended for a period of one year. Last ban imposed for a year would be effective till 27th August, 2017. However the said prohibition is not applicable to 100% export oriented units. A copy of the last notification dated 9th September, 2016 for further ban for a period of one year was issued in the gazette of Government of Gujarat is attached here with.
5. I say that the response as above is based on the records available in the office of Health and Family Welfare Department of the State of Gujarat and I believe the same to be true.

DEPONENT

30

VERIFICATION

I, the deponent above named, do hereby verify that the contents of above paras are true and correct to the best of my knowledge, based on the record and information received, believed by me to be true. No part of it is false and nothing material has been concealed there from.

Verified at Gandhinagar on this 2nd day of November, 2016.

DEPONENT

3454/11/17
17.4.17
1/2016
Gopal file
Ankur

1009/ADCU
17/4/17

COURT MATTER

Government of Manipur
OFFICE OF THE
STATE FOOD SAFETY COMMISSIONER
4th Floor, Annexe Building, North Block, New Secretariat-795001
E-mail: manipurfssa@gmail.com
(Food Safety Section)

No.: 20/1/2017- FS(C)/54

Imphal, the 17th March, 2017.

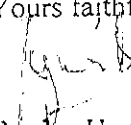
To
The Assistant Director (Regulatory Compliance)
Food Safety and Standards Authority of India (FSSAI),
FDA Bhawan, Kotla Road, New Delhi-110002.

Subject: Compliance of Order dated 23rd September 2016 passed by Hon'ble Supreme Court – reg.

Sir/Madam,

I am directed to refer to you a letter No. 4 (37) 2016/States/Enf/FSSAI dated 5th October, 2016 on the above subject and to state that the State Government of Manipur has already been notified the Complete banned on the manufacture, storage, transportation, distribution, display, sale and purchase of Gutkha, Khaini, Zarda, Pan Masala and other chewable, smokeless tobacco products containing tobacco or nicotine food ingredients as unsafe food injurious to health, by whatsoever name it is available in the market, in the State of Manipur vide Notification No. 15/52/88-M(FSSA)Pt dated 26th February, 2013 is enclosed for information.

Enclosed: As above.

Yours faithfully,

(Regina Hongray)
Deputy Secretary (Health)
Government of Manipur

2/4
MB. Manda
17.04.2017

Copy to:-

1. P.S. to Commissioner (Health & FW)/ State Food Safety Commissioner Govt. of Manipur.
2. Prof. Pankaj Chaturvedi, Tata Memorial Hospital, Mumbai.
3. The Director of Health Services/ Additional Food Safety Commissioner, Manipur.
4. Sh. Deepak Pandey, Assistant Director (Legal), FSSAI.
5. Guard File.

OFFICE OF THE FOOD SAFETY COMMISSIONER
GOVERNMENT OF MANIPUR
SECRETARIAT: HEALTH DEPARTMENT

NOTIFICATION

Imphal, the 26th of February, 2013

No.15/52/88-M(FSSA)Pl: Consequent on the State Cabinet Decision taken on 14.02.2013 and in pursuance of Regulation 2,3,4 of the Food Safety and Standards (Prohibition and Regulation on Sales) Regulation, 2011, the Governor of Manipur is pleased to notify the **Complete Ban on the manufacture, storage, transportation, distribution, display, sale and purchase of Gutkha, Khaini, Zarda, Pan Masala and other chewable, smokeless tobacco products containing tobacco or nicotine food ingredients as unsafe food injurious to health, by whatsoever name it is available in the market, in the State of Manipur** in the interest of public health with immediate effect and until further orders.

Offenders in contravention of the above orders shall be liable to be prosecuted under the provisions of the Food Safety and Standards Act, 2006.

By Orders & in the name of the Governor,



(Ram Muivah)
Commissioner of Food Safety
&
Principal Secretary (Health & FW)
Government of Manipur.

No.15/52/88-M(FSSA)Pt
Copy to :-

Imphal, the 26th of February, 2013

- 1) Secretary to the Hon'ble Governor of Manipur.
- 2) Secretary to Hon'ble Chief Minister, Manipur.
- 3) PPS to Hon'ble Deputy Chief Minister, Manipur.
- 4) PPS to Hon'ble Minister (Health & FW), Manipur.
- 5) PPS to All Ministers, Manipur.
- 6) PPS to All Parliamentary Secretaries, Manipur.
- 7) Chief Secretary, Govt. of Manipur.
- 8) Director General of Police, Manipur.
- 9) All Additional Chief Secretaries, Govt. of Manipur.
- 10) All Principal Secretaries/Commissioners/Secretaries, Govt. of Manipur.
- 11) Secretary (Law), Government of Manipur.
- 12) Chief Executive Officer, Food Safety and Standards Authority of India,
Ministry of Health & FW, Govt. of India, FDA Bhavan, New Delhi.
- 13) Director, Printing & Stationery with six (6) spare copies for kind
publication in the Official Gazette.
- 14) Director of Health Services, Manipur.
- 15) Director of Family Welfare, Manipur.
- 16) Director of JNIMS, Imphal.
- 17) Director of RIMS, Imphal.
- 18) Director, Consumer Affairs and Public Distribution, Manipur.
- 19) Director of Prosecution, Manipur.
- 20) Director of Information and Public Relations, Manipur.
- 21) All Deputy Commissioners, Manipur.
- 22) All Superintendents of Police, Manipur.
- 23) Dr.K.Komolini, State Nodal Officer/NTCP
- 24) All Members of State Food Safety Authority, Manipur.
- 25) Executive Officer, Imphal Municipality.
- 26) Addl. Food Safety Commissioner, Manipur.
- 27) All Chief Medical Officers/Designated Officers (Food Safety), Manipur.
- 28) Food Analyst, FTL, Lamphel.
- 29) Dy. Food Safety Commissioner, Manipur.
- 30) All Food Safety Officers, Manipur.
- 31) Director, All India Radio, Imphal.
- 32) Director, DDK, Imphal
- 33) All News Editor of Print & Electronic Media, Manipur
- 34) Martha, IT Department for uploading in the Manipur Govt website.
- 35) Guard file.

TAMIL NADU FOOD SAFETY AND DRUG ADMINISTRATION DEPARTMENT

From

To

The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
No.359, Anna Salai,
Chennai - 600 006.

The Assistant Director (Regulatory
Compliance Division),
Food Safety and Standards
Authority of India,
FDA Bhawan, Kotla Road,
New Delhi - 110 002.

R.No.7547/2016/S1/FSSA Dated 30.11.2016

Sir,

Sub:- FSSAI - Tamil Nadu State - Transfer Case (Civil) No.(S).1/2010
- Filed by Central Arecanut Marketing Copn. & ors versus
Union of India - Before the Supreme Court of India - action
taken on order dated 23.09.2016 - sent Regarding.

Ref:- Email dated 30.11.2016 from the Assistant Director (RCD),
FSSAI, New Delhi.

In response to the letter cited, I wish to state that as per order dated on 23.09.2016 in Transfer Case (Civil) No.(S).1/2010 by the Supreme Court of India, affidavit on the issue of total compliance of the ban imposed on manufacturing and sale of gutkha and pan masala with tobacco or nicotine has been filed before the Supreme Court on 08.11.2016 by the Principal Secretary, Health and Family Department, Tamil Nadu State.

I am enclosing herewith the details of action taken based on the ban order.

Yours faithfully,

[Signature]
30-11-16
For Commissioner of Food Safety.

Copy to

[Signature]
30/11/16
The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.

Tamilnadu State - Pan Masala and Gutkha action taken details

Year	No.of shops inspected	No.of shops found sale of banned food items	Quantity seized in kgs	Approximate value in Rs.
2013-14 (From Jun'2013 to Mar'2014)	110636	20415	329477.440	Rs. 57,072,060
2014-15	131803	22928	69338.268	Rs. 32,023,164
2015-16	139481	17990	62175.336	Rs. 32,811,576
2016-17 (April to Oct'2016)	100928	11773	42020.627	Rs. 16,966,815
Total	482848	73106	503011.671	Rs. 138,873,615