



ORIGINAL ARTICLE

Retrospective Analysis of the Anti Spitting Laws in Various Geographical Locations and Implementing Sectors in India

Monica Dev,¹ Priyanka Ravi,² Upendra Singh Bhadauria,² Diptajit Das,³ Charu Khurana,⁴ Anupama Ivaturi,² Stuti S Bhargava,⁵ Kausar Mohammad,⁶ Abdul Hakim Choudhary⁷ and Harsh Priya^{8,*}

¹*Ex Senior Research Fellow, National Oral Health Program, Centre for Dental Education and Research, All India Institute of Medical Sciences, New Delhi, India*

²*Senior Resident, Department of Public Health Dentistry, Centre for Dental Education and Research, All India Institute of Medical Sciences, New Delhi, India*

³*Assistant Professor, Dental College, Regional Institute of Medical Sciences, Imphal, India*

⁴*Associate Professor, Public Health Dentistry, Faculty of Dental Sciences, SGT University, Gurugram, India*

⁵*Scientist E (Medical), Division of Development Research, Indian Council of Medical Research, Ministry of Health and Family Welfare, New Delhi, India*

⁶*Assistant Professor, Department of Hospital Administration, All India Institute of Medical Sciences, New Delhi, India*

⁷*Additional Professor, Department of Hospital Administration, All India Institute of Medical Sciences, New Delhi, India*

⁸*Department of Public Health Dentistry, Centre for Dental Education and Research, All India Institute of Medical Sciences, New Delhi, India*

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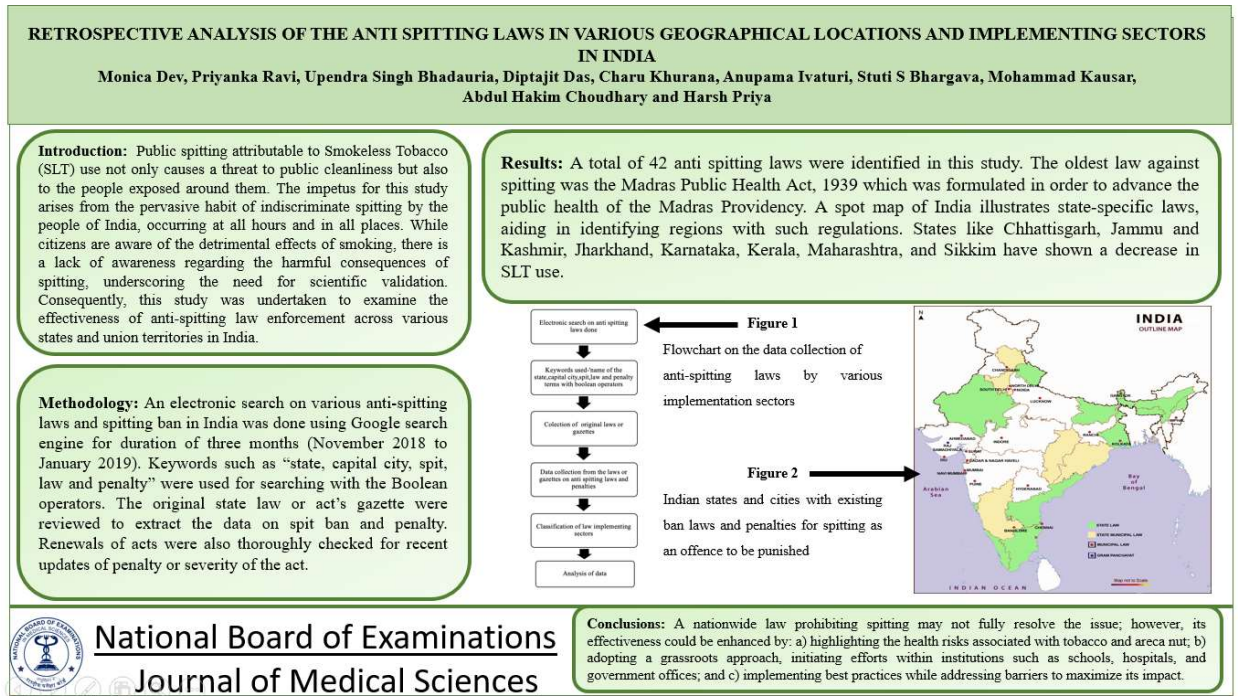
Abstract

Objective: Public spitting attributable to Smokeless Tobacco (SLT) use not only causes a threat to public cleanliness but also to the people exposed around them. An electronic search on various anti-spitting laws and ban in India was done using Google search engine for duration of three months (November 2018 to January 2019). **Material and Methods:** The original state gazettes were reviewed to extract the data on spit ban and penalty. Renewals of Acts were also thoroughly checked for recent updates of penalty or severity of the act. The law implementing bodies were broadly classified as National, State, Municipal, Village councils (Gram Panchayat), Airports, Metro Railway, and Company Law Tribunal. **Results:** A total of 42 Anti-spitting laws were identified in this search and 16 states had anti spitting law under different sectors. **Discussion:** Under these laws, sign boards and warnings are placed commonly at Airports, Railway stations, and metro stations. States with high rates of SLT users like Tripura, Arunachal Pradesh and Mizoram did not have any policy on spitting. **Conclusion:** Strong enforcement of anti-spitting laws in India will not only reduce spread of communicable diseases but also indirectly will reduce the act of using SLT also.

Keywords: Law enforcement, Tobacco Use Cessation, Retrospective Studies, Public Health Practice, Health Policy

*Corresponding Author: Harsh Priya
Email: drharshpriya@gmail.com

Graphical Abstract



Introduction

The tobacco epidemic is one of the greatest public health threats globally, causing the deaths of over 8 million tobacco users annually [1]. The Indian Global Adult Tobacco Survey (GATS)-2 (2016-2017) reports that 266.8 million (28.6%) adults currently use tobacco either as smoking or Smokeless Tobacco (SLT) form. Adult tobacco users account to 21.4% of which 29.6% are males and 12.8% are females. The prevalence of tobacco use has decreased by six percentage points, from 34.6% in GATS-1 (Global Adult Tobacco Survey) to 28.6% in GATS-2 [2].

The consumption of SLT involves either chewing, swallowing or spitting. One of the most unhygienic human practice which can lead to the spread of airborne diseases like bronchitis, pneumonia or tuberculosis (TB) is spitting [3]. A campaign about the spread of tuberculosis started

against public spitting of sputum in households in the 1880s [4]. In the year 1918, spitting in public places was considered an offense in the West due to the deadly outbreak of influenza [5].

Countries like Bangladesh, India, and China in the SEAR, where exposure to public spitting is common, have shown high rates of TB and adverse health consequences [6]. A vessel meant for spitting, known as a spittoon, was a common sight during the Mughal period and can still be seen in some homes in India, where the spittoon is used to spit out betel leaf juice or paan. The unaesthetic spit marks leave near-permanent spots that are dirty brown from gutka spit or red with betel quid spit [4]. Psychiatrists consider spitting a culture-specific or culture-bound syndrome (CBS), which refers to a set of psychiatric and somatic symptoms recognized as a distinct disease only within a particular society or culture [7].

The issue of spitting was brought up in the Indian Parliament under the term “Great Indian Spit.” Members of Parliament suggested that the Health Ministry of India conduct scientific studies on the matter [8]. The report from the Expert Group Consultation on SLT and Public Health in WHO (World Health Organization) for the South-East Asian Region (SEAR) countries recommended the enforcement of anti-spitting laws in India. Public spitting, primarily due to the chewing of tobacco and paan (betel quid), poses a significant challenge to maintaining public hygiene [9].

The prohibition on spitting in public places has been enacted with various intentions in different parts of the world [10]. Anti spitting legislations have been framed by Indian government for various reasons namely to maintain the cleanliness of public properties, to prevent spread of airborne communicable diseases. These laws will have dual effect as a precursor to ban SLT. Evaluation of data on anti-spitting laws in India should be checked to understand which region has to be given more attention for the better formulation of such laws [11].

The impetus for this study arises from the pervasive habit of indiscriminate spitting by the people of India, occurring at all hours and in all places. While citizens are aware of the detrimental effects of smoking, there is a lack of awareness regarding the harmful consequences of spitting, underscoring the need for scientific validation. Consequently, this study was undertaken to examine the effectiveness of anti-spitting law enforcement across various states and union territories in India.

Materials and Methods

An electronic search on various anti-spitting laws and spitting ban in India was done using Google search engine for duration of three months (November 2018 to January 2019). Keywords such as “state, capital city, spit, law and penalty” were used for searching with the Boolean operators (Figure 1). The original state law or act’s gazette were reviewed to extract the data on spit ban and penalty. Renewals of acts were also thoroughly checked for recent updates of penalty or severity of the act.

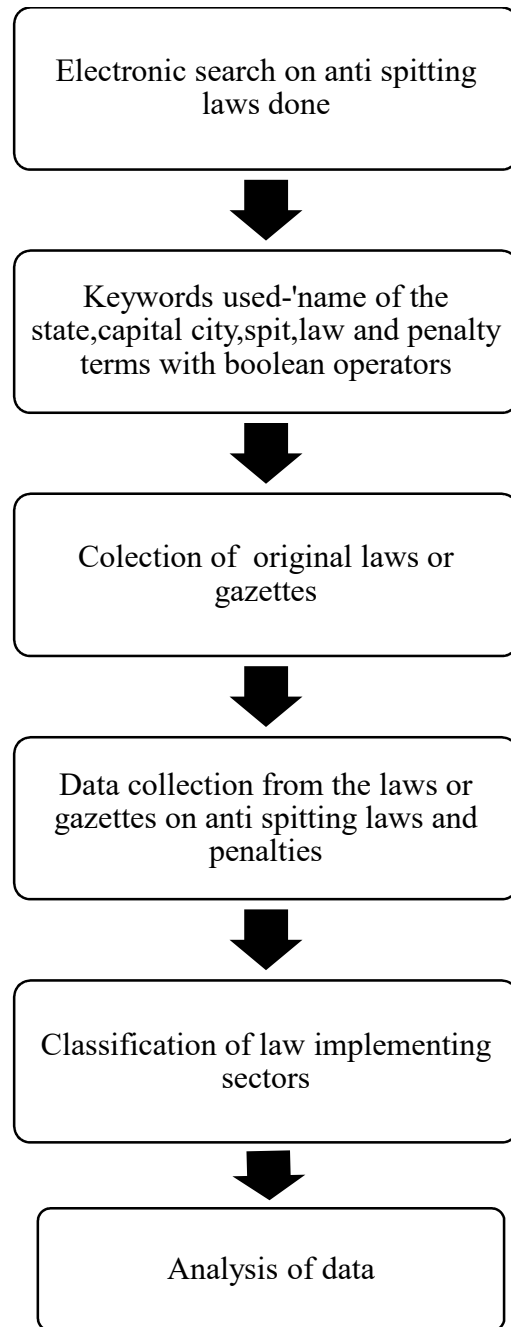


Figure 1. Flowchart on the data collection of anti-spitting laws by various implementation sectors

Data was gathered on several aspects, including the implementing body, name of the act, approval status, monetary penalties, year of enactment, mandatory community service requirements, severity based on frequency, rationale for the law, anticipated

outcomes, levels of previous attempts, evaluation methods, implementers, innovative punishment measures, and specifications regarding tobacco. The various law enforcement bodies were broadly categorized as national laws, state and union

territories, municipal corporations, village councils (gram panchayats), and the National Company Law Tribunal.

Results

A total of 42 anti spitting laws were identified in this study. The oldest law

against spitting was the Madras Public Health Act, 1939 which was formulated in order to advance the public health of the Madras Proviency [12]. The various anti-spitting laws were grouped under the subsequent levels (Table 1).

Table 1. Anti spitting laws in India

CATEGORIES	NAME OF THE LAWS	YEAR
<i>National level laws</i>	Swachh Bharat Mission (Clean India Mission)	2016
	Indian Railways	2012
<i>State laws</i>	Uttarakhand	1950
	Rajasthan	1956
	Andhra Pradesh	1965
	Goa	1976
	Kerala, Sikkim	1980
	West Bengal, Nagaland	1994
	West Bengal	1997
	Meghalaya	2001
	Tamil Nadu	2002
	Himachal Pradesh	2003
	Punjab, Haryana	2006
	Madhya Pradesh	2013
	Karnataka	2015
Odisha	2016	
<i>Cities/Municipal</i>	Imphal	1866
	Mumbai (Police act)	1950
	Navi Mumbai	1955
	Chennai	1960
	Nagpur	1961
	Pune	1980
	Chandigarh	1999
	Ranchi	2010
	Hyderabad	2011
	Bangalore	2012
	Ahmedabad	2015
	Surat, Diu	2016
	Dadra and Nagar Haveli, Kolkata, Chhattisgarh	2017

	Meghalaya (Police act), Calcutta Police Act	2018
<i>Airports</i>	All airports	2003
<i>Metro railways</i>	Delhi, Kolkata, Chennai, Jaipur, Kochi, Lucknow, Bangalore	2002
<i>Hyderabad Metro railways</i>	Hyderabad	2017
<i>Village</i>	Raj Samadhiyala	2012
<i>11 Benches Court</i>	National Company Law Tribunal Companies Act 2013 and Insolvency and Bankruptcy Code	2016

National Level anti-spitting Laws

National-level anti-spitting regulations have a pan-India impact, enforcing the cessation of public spitting across all regions and against any violators throughout the country. The Swachh Bharat Mission Draft Model Municipal Solid Waste Management Rules, 2016, classifies spitting in public spaces as creating a public nuisance, punishable by a fine of ₹250 [13].

The Indian Metro Railways, Indian Railways, and airports consider spitting a punishable offense, imposing fines and maintaining high surveillance along with prominently displayed warning signs. Indian Railways spends crores of rupees annually on cleaning and scrubbing spit marks [14]. To enforce these rules, the railway administration employs flying squads, station masters, and ticket collectors from the commercial and equivalent operating departments [15].

State Level anti-spitting Laws

A total of 16 states have implemented anti-spitting laws across various sectors. This section discusses the specific laws and their motivations for formulation. The **Tamil Nadu Prohibition of Smoking and Spitting Act, 2002** was established to prohibit

smoking and spitting in public places and vehicles within the state [16]. The **Uttarakhand Anti-Littering and Anti-Spitting Act, 2016** aims to keep the state clean and pollution-free [17]. The **Rajasthan Prevention of Defacement of Property Act, 2015** [18] was enacted for public cleanliness. The **Goa Prohibition of Smoking and Spitting Act, 1997** [19] bans smoking and spitting. In **Kerala** [4], laws address public spitting and nose-blowing. **Sikkim's "Green Mission"** [20] seeks to create green belts across the state. The **West Bengal Prohibition of Smoking and Spitting and Protection of Non-Smokers and Minors Act, 2001** [21] aims to prohibit tobacco use in all forms. The **Nagaland Municipal Act, 2001** [22] focuses on cleanliness, while the **Himachal Pradesh Municipal Corporation Act, 1994** [23] prohibits nuisances in public spaces. The **Madhya Pradesh Municipal Corporation Act, 1956** [24] educates people about hygiene and cleanliness. Lastly, the **Chandigarh Municipal Corporation (Sanitation and Public Health) Bye-Laws** [25] address sanitation and public health.

In 2018, the government of Dadar and Nagar Haveli was the most recent to classify spitting as a public nuisance [26]. The Odisha Municipal Corporation has implemented a

creative strategy to discourage spitting by placing images of deities on ceramic tiles [27]. To curb airborne diseases, the government of Maharashtra imposes a fine of ₹1,000, along with five days of community service and possible suspension of licenses [28]. Rajasthan has the highest penalty for spitting offenses, with fines up to ₹5,000 and a possible two-year imprisonment [18]. Conversely, Meghalaya has the lowest penalty, with a fine of ₹5, set in 1980 without any subsequent revisions [29].

Municipal Level

The **Indore Municipal Corporation Act** [30] of 1956 prescribes punishments for spitting offenses ranging from imprisonment to community service. According to the annual Swachh Survekshan survey on cleanliness, hygiene, and sanitation in Indian cities and towns, Indore has been declared the "cleanest city" [31]. The law allows for the public naming of offenders in newspapers and permits school students and corporation employees to report violators. The government of Indore actively educates citizens on the importance of hygiene and maintaining cleanliness in public spaces. Citizens can report offenses using the 311 Indore Metropolitan Corporation (IMC) app [32], and authorities can instruct habitual offenders to carry a spittoon.

The **Municipal Corporation of Lucknow** has installed CCTV cameras in public areas to monitor lawbreakers [33]. In 2017, the **Pune Municipal Corporation Act** [34] described spitting as an offense to maintain municipal cleanliness. Under the Draft Solid Waste Management Bye-Laws 2016, the **Chennai Municipality** [13]

classifies spitting as a public defacement offense. Similarly, the **Navi Mumbai Municipal Corporation Cleanliness and Sanitation Bye-Laws 2017** [35] and the **Imphal Municipal Council (Cleanliness and Sanitation) Bye-Laws 2011** [36] designate spitting as an offense for maintaining cleanliness and sanitation.

An amendment to Section 338 of the **Kolkata Municipal Corporation (Second Amendment) Act**, passed in the Assembly on November 22, 2018, has increased penalties for littering. The revised bill proposes a minimum fine of ₹5,000 and a maximum penalty of ₹1 lakh, replacing the previous penalties of a minimum of ₹50 and a maximum of ₹5,000.

Under the **Mumbai Police Act**, offenders can be charged under Sub-section (1) of Section 33 of the **Bombay Police Act, 1951** [38], which includes imprisonment. In 2007, Gangtok in the state of Sikkim [20] was declared a spit-free zone to minimize pollution as part of the state's Green Mission initiative.

Village Level

Established through a constitutional amendment in 1992, Panchayati Raj in India builds upon the traditional panchayat system of the Indian subcontinent and serves as a framework for local self-government. The village of Raj Samadhiyala in Gujarat has been recognized as a model village for its exemplary implementation of this system. In 2005, the Union Ministry of Rural Development awarded the village the Nirmal Gram Puraskar (Clean Village Award) [39]. The village head collects fines from offenders and saves them as a fixed deposit

in a bank, allowing cleanliness drives to be initiated without waiting for government funds.

The Company Law Tribunal

The National Company Law Tribunal (NCLT) in New Delhi was established to adjudicate corporate civil disputes arising from the Companies Act 2013 and the Insolvency and Bankruptcy Code 2016 which stated that spitting is strictly prohibited in order to keep the court buildings clean [40].

Barriers

The challenges in enforcing the laws included cultural factors, an undefined implementation authority, political interference, arrogance from those in charge, officials operating in plain clothes without identification, and the absence of a clear evaluation strategy.

Authoritative Personnel to Monitor

The individuals responsible for overseeing offenses include government officials, cleanup marshals [41], sanitation inspectors and workers [42], nodal officers [43] from the forest environment and wildlife management department, the chief officer of the municipality [26], civic cops, the municipal squad [35], school students [24], private security personnel, nuisance detectors or implementing authorities [44], and gram panchayat members [45]. The implementing body and name of the acts mentioning spitting as an offence and punishable act are given in Annexure 1.

Discussion

Tobacco control presents a formidable public health challenge in India,

prompting the Government to implement a range of policies at both national and sub-national levels. While over seventy-five bodies have recognized spitting as an offense, only ten have specifically addressed tobacco-related spitting [46].

In 2005, Goa led the way by becoming the first state to impose a complete ban on the consumption, sale, and storage of gutka. By January 2013, 17 additional states and four union territories had enacted similar legislation banning the manufacture, sale, and use of gutkha. In May 2013, the Ministry of Health & Family Welfare implemented food safety regulations enforcing a nationwide ban on gutkha, a mixture of areca nut and tobacco [47]. By 2019, states including Delhi, West Bengal, Bihar, Rajasthan, Uttarakhand, and Maharashtra had banned the sale of gutkha and pan masala. Notably, Uttarakhand imposed a total ban on the manufacture, storage, distribution, and sale of products like gutkha and pan masala, which contain high levels of tobacco and nicotine. Despite the Food Safety and Standards Authority of India prohibiting tobacco and nicotine in products for human consumption, gutkha, pan masala, and similar items continue to be sold with high tobacco and nicotine content [48]. The Swachh Bharat Mission has sought to influence public attitudes and behaviors regarding cleanliness [49].

Tobacco-specific anti-spitting laws are enforced by various entities, including Uttarakhand [17], Kolkata [37], Tamil Nadu [16], Mumbai police [38], airports [50], metro railways [51], Indian Railways [15], and East Coast Railways. A comparison with the Global Adult Tobacco Survey 2016-2017

reveals that states with high rates of smokeless tobacco (SLT) use, such as Tripura, Arunachal Pradesh, and Mizoram, lack specific anti-spitting laws (Table 2). A spot map of India (Figure 2) illustrates state-specific laws, aiding in identifying regions

with such regulations. States like Chhattisgarh, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, and Sikkim have shown a decrease in SLT use.

Table 2. State wise comparison of GATS2 smokeless tobacco use in percentage with existence of anti-spitting laws at state level (2016-2017)

S.NO	Name of the state	GATS* 1 Smokeless tobacco use in percentage 2009-2010	GATS* 2 Smokeless tobacco use in percentage 2016-2017	State	Municipality	Village
1	Andhra Pradesh	11.8	7.1		Existing law	Nil
2	Arunachal Pradesh	18.3	39.3	Nil	Nil	Nil
3	Assam	24.9	41.7	Petition given in 2016	Nil	Nil
4	Bihar	39.3	23.5	Yes	Nil	Nil
5	Chhattisgarh	40.6	36	Nil	Yes	Nil
6	Goa	4	6.5	Yes	Nil	Nil
7	Gujarat	18.4	19.2		Yes	Yes
8	Haryana	4.1	6.3		Yes	
9	Himachal Pradesh	2.9	3.1		Yes	

10	Jammu and Kashmir	4.7	4.3	Nil	Nil	Nil
11	Jharkhand	40.5	35.4	Yes		Nil
12	Karnataka2015	16.3	16.3	Yes	Yes	Nil
13	Kerala	8.1	5.4	Yes	Nil	Nil
14	Madya Pradesh2013	22.6	28.1	Nil	Yes	Nil
15	Maharashtra	24.8	24.4	Nil	Yes	Nil
16	Manipur	28.5	47.7	Nil	Nil	Nil
17	Meghalaya	19.5	20.3			
18	Mizoram	27.5	33.5	Nil	Nil	Nil
19	Nagaland	25.3	39	Nil	Yes	Nil
20	Orissa2016	35.9	42.9	Nil	Yes	Nil
21	Punjab	4.8	8.0	Nil	Yes	Nil
22	Rajasthan	13.5	14.1	Yes	Nil	Nil
23	Sikkim	15.2	9.7	State program		
24	Tamil Nadu	6.6	10.6	Yes		
25	Telagana(Hyderabad 2011)		10.1		Yes	
26	Tripura	28.6	48.5	Nil	Nil	Nil
27	Uttaranchal	8.6	12.4	Nil	Nil	Nil

28	Uttar Pradesh	19.1	29.4		Yes	
29	West Bengal	15	20.1		Yes	
	Name of the union territory					
1.	Andaman and Nicobar Islands			Nil	Nil	NIL
2.	Chandigarh	3.3	6.1		Yes	
3.	Dadar and Nagar Haveli				Yes	
4.	Daman and Diu				Yes	
5.	Delhi	6.9	8.8		Yes	
6.	Lakshadweep			Nil	Nil	Nil
7.	Pondicherry	4.8	4.7	Nil	Nil	Nil

*GATS-Global Adult Tobacco Survey

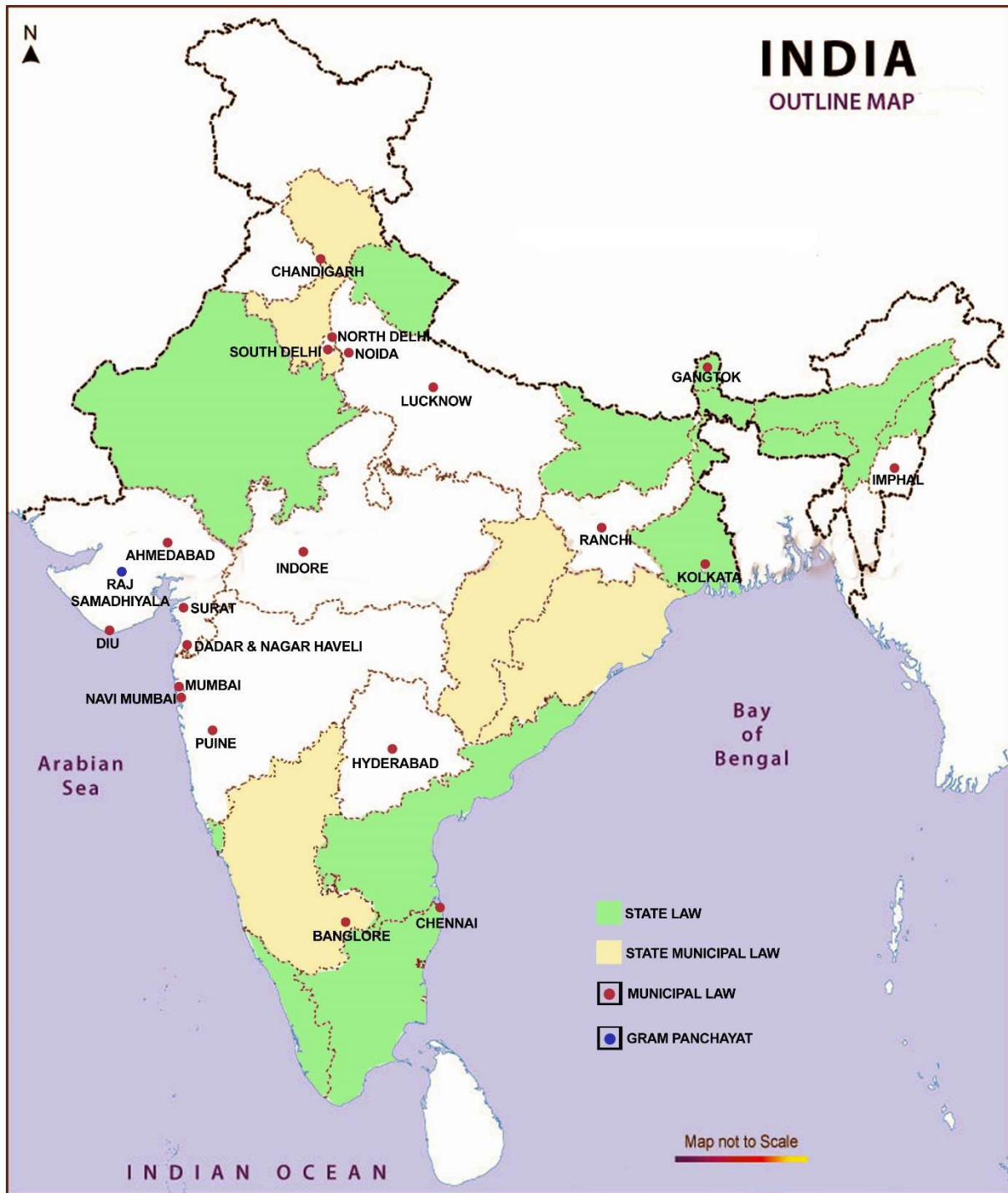


Figure 2. Indian states and cities with existing ban laws and penalties for spitting as an offence to be punished

The prevalence of SLT use decreased significantly from 25.9% in GATS 1 to 21.4% in GATS 2, a relative reduction of 17.4% [52]. This decline is consistent across various demographic groups, including gender, urban or rural residency, age, and tobacco consumption types.

Established in 2006, the International Tobacco Control Policy Evaluation Project in India (TCP India Project) has assessed the psychosocial and behavioral impacts of tobacco control laws in Maharashtra, Bihar, Madhya Pradesh, and West Bengal using methodologies akin to those employed globally.

Implementing a ban on spitting in public places is recommended as a public health policy to indirectly reinforce tobacco control strategies. Evidence from Thailand's tobacco cessation interventions, which include spitting bans in public places and hospitals, suggests potential reductions in oral tobacco use. Similar spitting bans in metropolitan cities in Bangladesh and various states in India demonstrate effective regulatory frameworks for tobacco control [53].

In a petition hearing regarding fines for spitting in Mumbai, the Bombay High Court observed that spitting is a prevalent behavior and highlighted the issue with red-stained walls commonly featured in traveler photos. In Mumbai [54] alone, fines totaling ₹2.24 crore were collected within six months in 2011. Despite 180 countries endorsing the WHO Framework Convention on Tobacco Control (FCTC) as the optimal strategy for managing tobacco demand and supply, only 138 parties (77%) have officially included SLT in their statutes [55].

Unlike the smoking prohibition mandated by Article 8 of the FCTC, no equivalent provision addresses spitting, despite the recognized risks associated with second-hand smoke exposure. The need for targeted policies is underscored by the lack of scientific evidence on the dangers of public spitting and its environmental impact [56].

From 2008 to 2014, the Tobacco-free Village (TfV) program aimed to achieve "tobacco-free" status in 60 villages across Maharashtra. By 2014, four villages met the 11 assessment criteria for this status. The program, in partnership with a community-based organization, demonstrated that community-driven initiatives can support public health goals, especially in resource-limited settings [57].

Overall, states have adopted varying degrees of success with tobacco control policies. Effective policy implementation, coupled with community and civil society initiatives, is crucial for reducing tobacco use prevalence nationwide [58].

The study's limitations include a lack of detailed information on the implementation of quoted laws, exclusion of grey literature, and reliance on some newspaper articles. Future research should compare Indian anti-spitting laws with those of other countries and develop a checklist for formulating effective anti-spitting legislation. It is recommended that the WHO FCTC include spitting of tobacco as an offense alongside smoking.

Conclusion

A nationwide law prohibiting spitting may not fully resolve the issue; however, its effectiveness could be enhanced by: a)

highlighting the health risks associated with tobacco and areca nut; b) adopting a grassroots approach, initiating efforts within institutions such as schools, hospitals, and government offices; and c) implementing best practices while addressing barriers to maximize its impact. The public health policy implementation strategy like time and age-adjusted IEC development, observance and celebration of National Anti-Spitting Day would also help in curbing the health-menace of spitting.

What this paper adds

This is the first study to comprehensively review the existing anti spitting bans across various parts of India and also showcases the best practices followed. The spot mapping of Indian states with existing anti spitting laws, anti-spitting laws in draft are done. A detailed tabulation of various law implementing sectors of India with geographical location was done.

Statements and Declarations

Conflicts of interest

The authors declares that they do not have conflict of interest.

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Annexure 1. Implementing body and name of the acts mentioning spitting as an offence and punishable act

S.NO	Implementing Body	Name of the Act	Reason	Year Of enactment	References
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2.	Ministry of urban development- Government of India	Swath Bharat Mission Draft Model Municipal Solid Waste (Management & Handling), Cleanliness and Sanitation rules / bye-laws	Creating Public Nuisance	2016	Draft Model Municipal Solid Waste (Management & Handling), Cleanliness and Sanitation Rules / Bye-Laws Ministry Of Urban Development Government Of India http://164.100.228.143:8080/sbm/content/writereaddata/Draft%20Sanitation%20Byelaws.pdf updated on september 2016; last accessed on 24/07/2019
3.	Tamil Nadu State Government	T N Prohibition of Smoking and spitting act 2002	For prohibition of smoking and spitting in public place and public vehicle	2003	The Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 https://indiacode.nic.in/bitstream/123456789/7937/1/2003tn4

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	Government				
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		maintenanc e) act 2002			
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