

Department of Home Affairs and Justice  
(Home-5 Branch)

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D.H.S.  
PO Tobacco

To  
All the Commissioner of Police in the State of Punjab  
All Deputy Commissioners in the State of Punjab  
All Superintendent of Police in the State of Punjab  
*Senior*

Memo No:4/12/2017-5H5  
Dated. Chandigarh

Subject: To take action against persons for smoking/spitting tobacco at public places under section 268,269 and 278 of Indian Penal Code, 1860.

Kindly refer to the subject cited above

2. As you aware that Smoking/spitting tobacco is also a major public health hazard and contributes to spreading of communicable diseases e.g. Tuberculosis, Swine Flu, Avian Flu and Pneumonia disease. There are several reasons of public spitting, but the most common cause of the red splotches everywhere in public places is the indiscriminate spitting habit by the tobacco chewers.

Tobacco chewers not only put their own lives and the fortunes of their families at risk; their spitting spread diseases and also dirties public property.

This reprehensible habit of smoking/spitting tobacco is an offence under following provisions of Indian Penal Code:

- Section 268 defines public nuisance thus: 'A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right'
- Section 269 in The Indian Penal Code prohibits any negligent act that is likely to spread infection of disease dangerous to life. As per this section - whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.
- Section 278 prohibits any act that makes atmosphere noxious to health, whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighborhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees.

You are directed to take strict action against the violators under the above mentioned provisions for smoking/spitting tobacco at public places.

Addl. Secretary to Govt. of Punjab,  
Department of Home Affairs & Justice

Dated, Chandigarh. 1-07-07-2017

Endst No 4/12/2017-5H5/1017648/2

- ✓ A copy is forwarded to the following for information and necessary action:  
1. Principal Secretary, Department of Health and Family Welfare, Punjab, Chandigarh.
- 2. Director General of Police, Punjab, Chandigarh.

*M. B. Chugh*  
Addl. Secretary to Govt. of Punjab,  
Department of Home Affairs & Justice

*Respon Herbert and  
in the Dept.  
Jun 2017 9/10*

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