

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**PUBLIC INTEREST LITIGATION (L.) NO. 9500 OF 2021**

Armin Wandrewala ... **Petitioner**  
**versus**  
The State of Maharashtra, through  
Chief Secretary & Ors. ... **Respondents**

Ms. Armin Wandrewala, petitioner appears in person.  
Ms. K.H. Mastakar for respondents-MCGM.  
Ms. P.H. Kantharia, GP for the respondent-State.

**CORAM :- DIPANKAR DATTA, CJ &  
G. S. KULKARNI, J.**

**DATE :- APRIL 7, 2021**

**PC :**

1. Section 115 of the Maharashtra Police Act (hereafter "the said Act"), *inter alia*, prohibits a person from spitting and thereby causing annoyance to any passerby. As per Section 117 of the said Act, any person who contravenes any of the provisions of Sections 99 to 116 of the said Act (both inclusive) shall, on conviction, be punished with fine which may extend to Rs.1,200/-.

2. For containment and management of Covid-19 epidemic disaster, the Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra has issued an order dated March 27, 2021 containing several directions. Annexure-II to such order contains directions for citizens to abide by to prevent the spread of Covid-

19. Clause (4) thereof reads as follows:

“4. Any person found to be without masks shall be fined an amount of Rs.500/-. Any person found to be spitting in public place will be fined an amount of Rs.1000/-”

3. The petitioner, a practicing advocate, has instituted this Public Interest Litigation complaining that effective steps are not being taken by the civil/police/municipal administration to ensure that the aforesaid provisions are strictly complied with by each and every individual. Accordingly, the petitioner has prayed for direction to the respondents to forthwith start implementing, with full vigour at their command, the extant laws prohibiting spitting and to proactively and vigorously efface this menace. She has also prayed for a direction on the respondents to take active and effective measures to sensitize their own officers, functionaries and employees to ensure that they themselves do not act contrary to the legal provisions noted above.

4. In support of her prayers, the petitioner has placed before us “suggestions”. According to her, such suggestions are intended to facilitate sensitization amongst all concerned so that there is no infraction of law by individuals who are prone to spit in public and thereby contribute to the spread of the pandemic.

5. Ms. Mastakar, learned counsel for the Corporation has placed before us certain documents in support of her submission that drives are regularly

undertaken by the municipal administration to ensure that the menace of spitting can be arrested and that hefty amount in fines have been collected from violators in each ward.

6. We find from the particulars so furnished that the fine amount is Rs.200/- per case only, whereas the statutory mandate contained in the said Act is upto Rs.1,200/- on conviction and as per the executive order it is Rs.1,000/-. Once the law provides such, it defies logic as to why the municipal administration has been collecting fine of Rs.200/- from the violators. The municipal administration would be well advised to follow the extant law, once it is detected that there is an infraction of law, unless of course there are other statutory provisions providing for lesser fines.

7. Ms. Mastakar has submitted by referring to a handbook that the fine amount is Rs.200/-. We have noticed that there was an amendment in Section 117 of the said Act and the fine was increased from Rs.200/- to Rs.1200/- in the year 2000. The executive order dated March 27, 2021 stipulates a fine amount of Rs. 1000/-. Ms. Mastakar needs to obtain instruction as to whether the contents of the handbook have been revised after such amendment was introduced in the said Act and after the issuance of the executive order *qua* the amount of fine.

8. Ms. Kantharia, learned Government Pleader for the State and Ms. Mastakar have jointly submitted that some time ought to be granted for the respective respondents to look into the suggestions of the petitioner. We see no reason not to grant such prayer. However, upon looking into the suggestions of the petitioner, which we find to be quite fair, sensible and reasonable, we direct that the respective respondents may, without waiting for further orders to be passed by this Court, take appropriate steps as are considered desirable in the facts and circumstances to efface the menace of spitting that the petitioner has placed before us and prayed for corrective steps being taken.

9. Needless to observe, till such time measures are taken by the respondents to implement such of the suggestions of the petitioner as would appear to them to be acceptable and can be translated into action, we direct the civil/police/municipal administration to give wide publicity of this order by placing sign boards/hoardings at conspicuous places/thoroughfares or through any other medium that is available for use, notifying the public of the danger of spitting in public and the consequence that one might suffer if found to violate the law regarding spitting. Such measures may be taken as early as possible but not later than 7 days from date.

10. Let this PIL be listed once again on **April 21, 2021** to enable the respondents to apprise us the measures that they wish to take in addition to what has been directed above. It would be desirable if separate affidavits are filed by the competent officials representing the respondents. The affidavits may be served on the petitioner 48 hours in advance of the returnable date.

**(G. S. KULKARNI, J.)**

**(CHIEF JUSTICE)**