



REGULATORY

Pan Masala: Law, Health & Responsibility

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A Debatable Legal Commentary on India's Most Silent epidemic

India stands at an inflection point in its long fight against harmful chewable substances like pan masala, gutkha and their other variants. At the same time, smoking once seen largely as a male habit is rising among women, especially in the corporate sector, adding a new layer to an already complex public health challenge. Recent legislative and policy developments, from the **Legal Metrology (Packaged Commodities) Second (Amendment) Rules, 2025, dated 02.12.2025**, to the introduction of a **cess on pan masala (The Health Security & National Security Cess Bill, 2025, dated 04.12.2025)**, debates on celebrity endorsement bans, and growing calls for workplace and public-place restrictions, signal that the conversation around pan masala is shifting from passive acceptance to active resistance.

Notably, Maharashtra is considering amendments to the Maharashtra Control of Organized Crime Act, 1999(MCOCA) to target the networks involved in the illicit trade of gutkha and other similar products. Chief Minister Devendra Fadnavis emphasized that despite repeated seizures and hundreds of cases being filed, weak legal provisions have allowed offenders to secure bail swiftly and return to their operations, undermining enforcement efforts.

But is India doing enough? Or are we merely rearranging the furniture while the building slowly burns?

This article examines the legal, ethical, and social debate around pan masala, gutkha, smoking and other addictive substances, among India's most profitable industries and one of its most dangerous.

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I. Pan Masala Under Full Disclosure: Legal Metrology's 2025 Amendment Brings the Industry Out of the Shadows

The Legal Metrology (Packaged Commodities) Second Amendment Rules, 2025 (G.S.R. 881(E), notified 02.12.2025 effective 01.02.2026) inserts a critical proviso in Rule 26(a): **"Provided further that the provisions of this clause shall not apply to pan masala."** This removes pan masala from the 10g/10ml small-package exemption, mandating full compliance with Rules 6-18 for all package sizes, requiring manufacturer details, net quantity declaration (subject to 9% tolerance), MRP, manufacturing date, and consumer complaint contacts on principal display panels.

Implications include enhanced traceability for enforcement against short-weighting and adulteration, enabling Legal Metrology inspections under Rule 19 and seizures under Rule 20. Amid rising oral cancer concerns linked to areca nut consumption, this amendment strengthens commercial transparency and quality verification while leaving public health warnings (FSSAI) and state-level access restrictions unaffected, positioning packaging compliance as a foundational step for broader regulatory oversight.

II. The Cess Question: Is Taxation Enough to Curb Addiction?

The Centre's move to impose a heavy cess on pan masala aims to discourage consumption. But sin taxes are effective only when the product is not addictive. Pan masala, especially tobacco-laced variants, hooks users quickly. For many, higher prices don't deter consumption; they merely shrink household budgets and increase poverty.

Economists call this **"the inelasticity of addiction"**.

So the real question is not whether the cess will reduce consumption, it probably won't by itself, but whether the cess revenue will be used effectively for:

- cancer treatment funds,
- de-addiction programs,
- public education,
- or regulating illegal sales.

Without this, the cess risks becoming just another revenue tool rather than a public-health intervention.

III. Celebrity Endorsements: Should Glamour Sell Addiction?

Few issues in public policy evoke as much public outrage as the spectacle of celebrities endorsing pan masala. In a country where movie stars and sports icons command devotion bordering on worship, should they really be allowed to promote a substance so closely tied to addiction, oral cancer, and social harm, even if it is disguised as an “elaichi” or “kesari” variant?

India already has strong precedents for restricting harmful products. **Several states like Gujarat have imposed complete or near-complete bans on liquor**, citing public health, social welfare, and constitutional duty. These bans were not taken lightly; they were rooted in the recognition that addiction cripples families, destroys productivity, and imposes enormous health and policing costs. If states can prohibit an entire alcohol industry to protect their citizens, **why should the glamour-driven promotion of pan masala be tolerated**, especially when their health impacts are equally, if not more, severe?

In fact, these prohibition states have set a **moral and administrative benchmark**, encouraging other states to follow the same path. The same logic can, and should, apply to pan masala and gutka. If selective prohibition works for alcohol, targeted bans or severe restrictions on marketing and access to harmful chewable substances could be the next logical public-health intervention.

The Constitution itself gives clear guidance. **Article 47**, a Directive Principle of State Policy, mandates that “the State shall endeavor to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and drugs which are injurious to health.”

The spirit of Article 47 does not limit itself to liquor alone, it speaks to **any substance injurious to public health**, which unquestionably includes pan masala, gutka, and other addictive areca-nut products.

Against this constitutional backdrop, celebrity endorsements become even more ethically questionable. When actors or athletes promote pan masala, they are not merely selling a product, they are **peddling permission**. Permission for impressionable youth to believe addiction is cool, for working-class consumers to normalize a habit that empties pockets and fills cancer wards, and for society to overlook a slow-moving public-health disaster.

If states can ban liquor in the interest of public welfare, then India can certainly demand that its celebrities stop glamourizing addiction. That is a constitutional obligation.

DEFENDERS FIRE BACK	CRITICS HIT HARDER
“Hands off my pouch!” Adults own their choices, government overreach kills personal freedom!	“Your ‘freedom’ is killing mouths!” State must shield society from proven carcinogens, rights aren't absolute!
“It’s LEGAL, deal with it!” FSSAI cleared, GST paid, excise stamps, follow the law or make new ones!	“Legal ? Safe, Ever Heard of Tobacco?” IARC Group 1 carcinogen despite ‘legality’, regulation must evolve with science!
“Grown-ups Decide for Themselves!” Mature consumers, mature risks, nanny state has no business parenting adults!	“Celebs Push Poison to Kids!” Star power creates addiction pipelines, glam ads target teens, not ‘adults’!

Given India’s global leadership in oral cancer cases, a complete ban on celebrity endorsements of pan masala is not censorship, it is a public-health necessity.

IV. Workplace and Public-Place Bans: A Practical, Proven Tool

As research continues to highlight the significant health risks associated with pan masala, gutkha, and smoking, their presence in office environments is now recognized as a matter demanding serious attention. These products are linked to oral cancer, heart and lung disease, and serious reproductive risks for women including complications during pregnancy and long-term hormonal imbalance. When used in or around office premises they create unhealthy surroundings, expose colleagues to harmful residue

and second-hand smoke, and contribute to an environment that normalises addiction. **This influence is particularly strong on young or junior employees who often observe and imitate the habits of seniors in the workplace.**

In this context, in and around office bans on pan masala or smoking and using similar products are gaining strong support. Such restrictions reduce consumption during working hours, maintain cleaner and more respectful workspaces, and send a clear message that addictive behaviour is not part of a healthy professional culture. They also prevent younger generation from being drawn into these habits through daily exposure or peer pressure.

By removing these substances from office premises, organisations create a setting that supports self-control and encourages employees to reduce or quit. For a workforce that spends most of its day in professional environments, these measures can play a powerful role in shaping healthier choices and safeguarding long term wellbeing.

Further, public-place bans help create healthier cities, reduce litter, and curb exposure to **minors and the youth.**

Finally, in a country where adults spend much of their day at work or in public spaces, such bans can be far-reaching.

V. Education: The Most Undervalued Weapon

Taxes, bans, and regulations have limited impact without education. India needs mass-scale public-health education campaigns that:

- explain the dangers of pan masala,
- debunk myths (“supari pan masala is safe”),
- show real cancer survivors’ testimonies,
- teach children how advertising manipulates them,
- normalize quitting.

Education changes behavior more deeply than punishment ever can. It empowers people, not just regulates them.

VI. The Role of Citizens and Government

India’s fight against pan masala cannot be won by laws alone. It requires a collective societal commitment to redefining what we glamorize, tolerate, and permit. The collective effort to curb pan masala consumption involves active participation from diverse stakeholders. The Government and Policy makers are tasked with introducing preventive legislation such as mandatory health warnings on packs, youth access restrictions, and harmonized state–center bans, ensuring public health remains a policy priority. Social media influencers hold immense digital power to shape public opinion; by creating viral awareness content and promoting healthy lifestyles, they can challenge the glamorization of harmful products. Citizens, as conscious consumers, can drive change by rejecting normalization of pan masala use, demanding celebrity accountability, and supporting public bans and cleanliness efforts. Meanwhile, the press and media, in their watchdog role, can expose unethical industry practices, investigate deceptive advertising networks, and amplify scientific insights and public health campaigns to shape an informed society.

Conclusion: A Debate That Defines India’s Future on health and hygiene

India stands at a pivotal moment in deciding how seriously it will confront the health hazards posed by pan masala, gutkha, and smoking. The debate over pan masala, gutkha and smoking is not about taste, tradition, or freedom alone. It is about **health, dignity, law, economics, and India’s long-term future.**

- After all these years, should a cess be the main solution for issues like these?
- Should celebrities be free to endorse harmful substances?
- Should workplaces and public spaces become pan masala-free and smoke-free zones?
- Should education lead the movement?

The answers shape policy, and the India our next generation will inherit.

Will it be an India where addiction is glamorized and laws are sidestepped, or one where health, responsibility, dignity, and the rule of law define society? The choice is ours. And it is time we choose boldly.

For further details write to contact@indialaw.in

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