

NO. C.31012/2/2020-NHM/NTCP (STCC)
NATIONAL TOBACCO CONTROL PROGRAMME,
NATIONAL HEALTH MISSION, MIZORAM

M.
AIGP(Hq.)
20/6/23
To

Dated Aizawl, the 18th May, 2023

The Director General of Police,
Mizoram.

Subject: Compliance of "the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019" - reg.

Ref:

- (1) MoHFW letter D.O. No. P.16012/23/2019-TC dated the 19th September, 2019
(2) MoHFW letter D.O. No. P.16012/23/2019-TC dated the 10th September, 2021
(3) MoHFW letter D.O. No. P.16019/01/2022-TC dated the 4th October, 2022
(4) MoHFW letter D.O. No. P.16012/23/2019-TC dated the 10th February, 2023

Respected Sir,

Greetings on behalf of National Tobacco Control Programme, Mizoram.

I would like to bring to your kind information that the Government of India has enacted "the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019" to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes (e-cigarettes). The Authorized Officers to take action under this Act are any police officer not below the rank of Sub-Inspector or any other officer, not below the rank of sub-inspector, authorized by the Central Government or the State Government by notification (Copy of the Act is enclosed and marked as Enclosure - 1). In this connection, the Ministry of Health & Family Welfare, Government of India issued a letter D.O. No. P-16012/23/2019 - TC on the 19th September, 2019 to all the Chief Secretaries with a copy to Director General of Police of all States/UTs wherein the Ministry requested that necessary instructions may be issued immediately to the concerned department to take up necessary measures to implement the provisions of the ordinance and to conduct a month-long drive for the same. (Copy of MoHFW Letter dated 19.9.19 is enclosed and marked as Enclosure -2)

Further, the Ministry of Health & Family Welfare, Government of India also issued a letter vide D.O. No. P.16012/23/2019-TC dated the 10th September, 2021 to Director General of Police of all States/UTs etc. with a request to review the compliance of section 5 of the Act. The Ministry, in its letter also requested to issue necessary instructions for effective implementation of the provisions of the Act and to sensitize officials in the field to the need of being vigilant and take prompt action in case any violations of the provisions of the Act are reported/noticed. (Copy of MoHFW Letter dated 10.9.21 is enclosed and marked as Enclosure - 3)

ADGP MIZORAM

Receipt No. 514

Date 19.6.23

for wide circulation and
implementation.
2211
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2170
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Furthermore, the Ministry of Health & Family Welfare, Government of India again issued a letter vide D.O. No. P.16019/01/2022-TC dated the 4th October, 2022 to the Director General of Police of all States/UTs etc. stating that e-cigarettes and the like devices are easily available in the shops and that Public Interest Litigation (PIL) has also being filed in the High Court/s regarding monitoring and progress made in effective implementation of the provisions of the said Act and also stated that one has been filed in High Court of Rajasthan, hence, it becomes imperative that the strict enforcement of the said Act is undertaken. The letter also requested to review compliance of the provisions of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 and issue necessary instructions for effective implementation of the provisions of the Act. The letter further requested that the officials in the field may also be sensitized to the need of being vigilant and take prompt action in case any violations of the provisions of the Act are reported/noticed. Further, the Ministry also requested that a month-long drive may be undertaken and an Action Taken Report may be submitted in this regard to apprise the Hon'ble High Court of Rajasthan in the matter of PIL filed. *(Copy of MoHFW Letter dated 4.10.22 is enclosed and marked as Enclosure - 4)*

The Ministry of Health & Family Welfare Department, Government of India again issued a letter to all the Chief Secretaries of all States/UTs on the 10th February, 2023 vide D.O.No.P.16012/23/2019-TC wherein it was stated that the Government of India has prohibited electronic cigarettes and like devices vide the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 and further stated that as per the provisions of the Act, "Authorized Officers" have been made responsible implementation of the provisions of the Act in accordance with the the Code of Criminal Procedure, 1973. The MoHFW letter dated 10th February, 2023 also stated that the Ministry has been requesting the States and Union Territories for effective enforcement of the statutory provisions of the Act and also mentioned that the e-cigarette and the like devices are still available through online stores and local vendors, which is a matter of grave concern and also that instances of such devices being sold at convenient/stationary stores near educational institutions have also been reported which is resulting in easy access by young children to such products and stated that the increasing availability of such prohibited products calls for serious attention and action to ensure effective enforcement of the Act. The letter also requested to review the compliance status of the provisions of the Act and to issue necessary instructions for effective implementation of the provisions of the Act and to conduct special drives through random checking at school and college levels to ensure that such products are not sold and used. *(Copy of MoHFW Letter dated 10.2.23 is enclosed and marked as Enclosure - 5).*

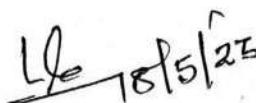
Thus, in consideration of the above, I humbly request you to kindly take necessary action as suggested below for effective implementation of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 and for compliance of the request letters of the Ministry of Health & Family Welfare Department, Government of India :-

1. to issue necessary instructions for effective implementation/enforcement of the provisions of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.
2. to take up necessary measures for sensitizing officials in the field to the need of being vigilant and take prompt action in case any violations of the provisions of the Act are reported/noticed.

3. to take necessary action for inclusion of implementation/enforcement of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 as one of the subjects for Monthly Crime Review.
4. to identify and notify separate officials/in-charge/squad in every police station/unit/district for enforcement/implementation of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.
5. to conduct special drives/checking in shops, malls, markets etc. to ensure that e-cigarettes are not sold and to seize if found any.
6. to take necessary action on the sale, advertisement etc. of e-cigarettes through any on-line/social media platforms.
7. to issue, if possible 'Public Notice' on the ban of e-cigarette and other main provisions of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.
8. to conduct special drives through random checking at school and college levels to ensure that such products are not sold and used.
9. to review the compliance status of the provisions of the Act and to share action taken report.

Thanking you.

Yours faithfully,



(Dr. H. LIANTHANGPUIA)

State Nodal Officer

National Tobacco Control Programme, Mizoram

Directorate of Hospital & Medical Education

MINECO, Khatla

E-mail: smokefreemizoram@gmail.com

Enclosure-1

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 66] नई दिल्ली, बृहस्पतिवार, दिसम्बर 05, 2019/ अग्रहायण 14, 1941 (शक)
No. 66] NEW DELHI, THURSDAY, DECEMBER 05, 2019/AGRAHAYANA 14, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th December, 2019/Agrahayana 14, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th December, 2019, and is hereby published for general information:—

THE PROHIBITION OF ELECTRONIC CIGARETTES (PRODUCTION, MANUFACTURE, IMPORT, EXPORT, TRANSPORT, SALE, DISTRIBUTION, STORAGE AND ADVERTISEMENT) ACT, 2019

No. 42 OF 2019

[5th December, 2019.]

An Act to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health to protect the people from harm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 18th day of September, 2019.

Declaration as to expediency of control by Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) "authorised officer" means—

(i) any police officer not below the rank of sub-inspector; or

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) "distribution" includes distribution by way of samples, whether free or otherwise and the expression "distribute" shall be construed accordingly;

(d) "electronic cigarette" means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.

23 of 1940.

Explanation.—For the purposes of this clause, the expression "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) "manufacture" means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

(h) "notification" means a notification published in the Official Gazette;

(i) "person" includes—

(i) any individual or group of individuals;

(ii) a firm (whether registered or not);

(iii) a Hindu Undivided Family;

(iv) a trust;

(v) a limited liability partnership;

(vi) a co-operative society;

(vii) any corporation or company or body of individuals; and

(viii) every artificial juridical person not falling within any of the preceding sub-clauses;

(j) "place" includes any house, room, enclosure, space, conveyance or the area in like nature;

(k) "production" with its grammatical variations and cognate expressions, includes the making or assembling of electronic cigarettes and any part thereof;

(l) "sale" with its grammatical variations and cognate expressions, means any transfer of property in goods (including online transfer) by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale.

4. On and from the date of commencement of this Act, no person shall, directly or indirectly,—

(i) produce or manufacture or import or export or transport or sell or distribute electronic cigarettes, whether as a complete product or any part thereof; and

(ii) advertise electronic cigarettes or take part in any advertisement that directly or indirectly promotes the use of electronic cigarettes.

Prohibition on production, manufacturing, import, export, transport, sale, distribution, advertisement of electronic cigarettes.

5. On and from the date of commencement of this Act, no person, being the owner or occupier or having the control or use of any place shall, knowingly permit it to be used for storage of any stock of electronic cigarettes:

Prohibition on storage of electronic cigarettes.

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Act kept for sale, distribution, transport, export or advertisement shall be disposed of in the manner hereinafter specified—

(a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, *suo motu*, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and

(b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

6. (1) An authorised officer, if he has reason to believe that any provision of this Act has been, or is being contravened, may enter and search any place where—

Power to enter, search and seize without warrant.

(a) any trade or commerce in electronic cigarettes is carried on or electronic cigarettes are produced, supplied, distributed, stored or transported; or

(b) any advertisement of the electronic cigarettes has been or is being made.

(2) After completion of the search referred to in sub-section (1), the authorised officer shall seize any record or property found as a result of the search in the said place, which are intended to be used, or reasonably suspected to have been used, in connection with any matter referred to in sub-section (1) and if he thinks proper, take into custody and produce, along with the record or property so seized, before the Court of Judicial Magistrate of the first class, any such person whom he has reason to believe to have committed any offence punishable under this Act.

(3) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to attach such property, stocks or records maintained by the producer, manufacturer, importer, exporter, transporter, seller, distributor, advertiser or stockist about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with any offence in contravention of the provisions of this Act and such order shall be binding on the person connected with the said offence.

(4) All searches, seizures and attachment under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

Punishment
for
contravention
of section 4.

7. Whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

Punishment
for
contravention
of section 5.

8. Whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

Jurisdiction
and trial of
offences.

9. (1) Any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force.

(2) All offences under this Act shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of Criminal Procedure, 1973.

2 of 1974.

Power to
dispose of
stock seized.

10. After completion of the proceedings before the Court and if it is proved that the stock seized by the authorised officer under the provisions of this Act are stocks of electronic cigarettes, such stocks shall be disposed of in accordance with the provisions contained in Chapter XXXIV of the Code of Criminal Procedure, 1973.

2 of 1974.

Offences by
companies.

11. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" means a whole-time director in the company and in relation to a firm, means a partner in the firm.

Cognizance of
offences.

12. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by an authorised officer under this Act.

Offences to be
cognizable.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under section 4 shall be cognizable.

2 of 1974.

Act to have
overriding
effect.

14. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

15. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes.

Application of other laws not barred.

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Ord. 14 of 2019.

18. (1) The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



प्रीति सूदन

सचिव

PREETI SUDAN

Secretary



सत्यमेव जयते

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण विभाग
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Government of India
Department of Health and Family Welfare
Ministry of Health and Family Welfare
D.O. No. P-16012/23/2019-TC
Dated: 19th September, 2019

Dear Chief Secretary,

This is to inform that the Government of India has prohibited electronic-cigarettes through promulgation of 'The Prohibition of Electronic Cigarettes (production, manufacture, import, export, transport, sale, distribution, storage and advertisement) Ordinance, 2019'. A copy of the Ordinance is enclosed for ready reference. The salient features of the Ordinance are:-

- E-cigarettes includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.
- Production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic-cigarettes or any parts or components thereof such as refill pods, atomisers, cartridges etc, is prohibited. Online sale and advertisement have also been prohibited.
- Individual possession of e-cigarettes for personal use is not an offence.
- Punishment:
 - For production, manufacturing, import, export, transport, sale, distribution and advertisement - imprisonment upto one year or fine up to rupees one lakh or both. For subsequent offence, imprisonment upto three years and fine upto rupees five lakh. It shall be a cognizable offence.
 - For storage - Imprisonment upto six months or fine upto rupees fifty thousand or both.
- Sub-Inspector of Police is the Authorized Officer to conduct search and seizure. Other Officers can also be notified as Authorized Officer by Central/State Governments.
- An opportunity is provided to the owners of existing stocks of e-cigarettes on the date of commencement of the Ordinance to *suomoto* declare and deposit these stocks at the nearest police station without unnecessary delay.

In view of the above, it is requested that necessary instructions may be issued immediately to the concerned Departments of your State/UT to take necessary measures to implement the provisions of the Ordinance. It is also requested that a month long drive may also be undertaken to ensure the implementation of the provisions of the Ordinance.

Encl: As above

Pranay Kumar
Yours sincerely,

Pranay Kumar
(Preeti Sudan)

Chief Secretary of all States/UTs

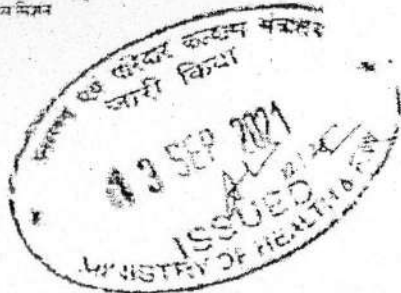
Copy to: Director General of Police of all States/UTs

2021/TOBACCO CONTROL



भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

Government of India
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi - 110011



D.O. No. P.16012/23/2019-TC
Dated 10th September, 2021

Please refer to this Ministry's earlier D.O. Letter dated 23rd December, 2019 regarding effective enforcement of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

2. Any Police Officer not below the rank of sub-inspector is authorized to implement the provisions of the Act in accordance with the Code of Criminal Procedure, 1973.

3. Further, as per Section 5 of the Act, (a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, suo moto, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and (b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) of Section 5 shall, with all convenient dispatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

4. I, therefore, request you to review the compliance of above provisions and issue necessary instructions for effective implementation of the provisions of the Act. It is also requested that the officials in the field may also be sensitized to the need of being vigilant and take prompt action in case any violations of the provisions of the Act are reported/noticed. We look forward to your support in implementing the Act.

Encl: as mentioned.

Yours sincerely,

(Dr. Pulkesh Kumar)
Deputy Secretary (Tobacco Control)
Tel: 011-23062744

1. Director General of Police, All States/UTs
2. Deputy Inspector General of Police of Daman & Diu and Dadra & Nagar Haveli;
3. Commissioner of Police of Govt. of NCT of Delhi;
4. Senior superintendent of Police of UT of Lakshadweep.

Copy to:

Principal Secretary (Health) of all States/UTs.



भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011
Government of India
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi - 110011

D.O. No. P.16019/01/2022-TC

Dated: 1st October, 2022

Please refer to this Ministry's earlier DO Letter No. P. 16012/23/2019-TC dated 10th September, 2021 (copy of the letter enclosed for reference) regarding effective enforcement of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

2. It has been brought to the notice that e-cigarettes and the like devices are being easily available in the shops. It is also pertinent to mention that Public Interest Litigation (PIL) is also being filed in the High Court/s regarding monitoring and progress made in effective implementation of the provisions of the said Act. One such PIL has been filed in the High Court of Rajasthan. Hence, it becomes imperative that the strict enforcement of the said Act is undertaken.

3. I, therefore, request you to review the compliance of above provisions and issue necessary instructions for effective implementation of the provisions of the Act. It is also requested that the officials in the field may also be sensitized to the need of being vigilant and take prompt action in case any violations of the provisions of the Act are reported/noticed. It is requested that a month long drive may please be undertaken and an Action Taken Report may be submitted in this regard, and to apprise the Hon'ble High Court of Rajasthan in the matter of PIL filed. We look forward to your support in implementing the Act.

Yours sincerely,

Pulkesh
(Dr Pulkesh Kumar)

Encl: as mentioned.

1. Director General of Police, All States/UTs
2. Deputy Inspector General of Police of Daman & Diu and Dadra & Nagar Haveli;
3. Commissioner of Police of Govt. of NCT of Delhi;
4. Senior superintendent of Police of UT of Lakshadweep.

Copy to:

Principal Secretary (Health) of all States/UTs.

Principal Secretary

Health & Family Welfare Dept.

1561

18/10/22

एड्स - जानकारी ही बचाव है

Talking about AIDS is taking care of each other

Enclosure 5
(31) (2)

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण विभाग

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

Government of India

Department of Health and Family Welfare

Ministry of Health and Family Welfare

D.O. No. P.16012/23/2019-TC

10th February, 2023



आजादी का
अमृत महोत्सव

जेश भूषण, आईएस
चिव
RAJESH BHUSHAN, IAS
SECRETARY

Dear Colleague,

The Government of India has prohibited electronic cigarettes and like devices vide Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019. As per the provisions of the Act, "Authorized Officers" have been made responsible for implementation of the provisions of the Act in accordance with the Code of Criminal Procedure, 1973. [copy of the Act is enclosed for reference]

2. From time to time, this Ministry has been requesting the States and Union Territories for effective enforcement of the statutory provisions of the Act. It has been brought to our notice that these devices are still available through online stores and local vendors, which is a matter of grave concern. Instances of such devices being sold at convenient/stationary stores near educational institutions have also been reported, which is resulting in easy access by young children to such products. The increasing availability of such prohibited products calls for serious attention and action to ensure effective enforcement of the Prohibition of Electronic Cigarettes Act 2019.

3. I therefore request you to review the compliance status of the provisions of The Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 and issue necessary instructions for effective implementation of the provisions of the Act. Special drives through random checking at school and college levels may be carried out to ensure that such products are not sold & used.

I look forward to your support in ensuring effective implementation of the said Act.

Warm Regards.

Yours sincerely,

(Rajesh Bhushan)

Encls. : A/a

To : Chief Secretaries of all States/UTs

PB of Principal Secretary
Health & Family Welfare Deptt
Receipt No. 132
Date 23/2/23