



D.O. No. P.16012/23/2019-TC
10th February, 2023

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.



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;