

Prohibition of Electronic Cigarettes Ordinance 2019

October 16, 2019

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Source: PRS India

The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage, and Advertisement) Ordinance, 2019 was promulgated in September 2019. The Ordinance prohibits the production, trade, storage, transport, and advertisement of electronic cigarettes.

Key features

- **Definition of Electronic cigarettes:** The Ordinance defines electronic cigarettes (e-cigarettes) as electronic devices that heat a substance (natural or artificial) to create vapour for inhalation. These e-cigarettes may contain nicotine and flavours, and include all forms of electronic nicotine delivery systems, heat-not-burn products, e-hookahs, and other similar devices.
- **Ban on e-cigarettes in India and punishments:** The Ordinance prohibits the production, manufacture, import, export, transport, sale, distribution and advertisement of e-cigarettes in India. Any person who contravenes these provisions will be punishable with imprisonment of up to one year, or a fine of up to one lakh rupees, or both. For any subsequent offence, the person will be punishable with imprisonment of up to three years, and a fine of up to five lakh rupees.
- **Ban on storage of e-cigarettes:** No person is allowed to use any place for the storage of any stock of e-cigarettes. If any person stores any stock of e-

cigarettes, he will be punishable with an imprisonment of up to six months, or a fine of up to Rs 50,000, or both.

- Once the Ordinance comes into force (i.e., September 18, 2019), the owners of existing stocks of e-cigarettes will have to declare and deposit these stocks at the nearest office of an authorized officer. Such an authorized officer may be a police officer (at least at the level of a sub-inspector), or any other officer as notified by the central or state government.
- **Powers of authorized officers:**
 - If an authorized officer believes that any provision of the Ordinance has been contravened, he may search for any place where trade, production, storage, or advertising of e-cigarettes is being undertaken.
 - The authorized officer can seize any record or property connected to e-cigarettes found during the search. Further, he may take the person connected to the offence into custody.
 - If the property or records found during the search cannot be seized, the authorized officer may make an order to attach such property, stocks or records.
- **Offences by companies:** Under the Ordinance, if an offence is committed by a company, then the persons in charge of the company will be held liable. Further, if it is proved that the offence was committed with the consent of, or due to neglect on the part of any director, manager or secretary, then they will be held liable and punished accordingly.