

Vaping ban violations: Centre issues public notice for stricter implementation of Act

New Delhi

With e-cigarettes easily available online and at tobacco shops despite a ban, the Union Health Ministry has issued a public notice for stricter implementation of the Act which prohibits manufacture, sale and advertisements of electronic cigarettes.

The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act came into force in 2019.

The ministry has directed all producers, manufacturers, importers, exporters, distributors, advertisers, transporters including couriers, social media websites, online shopping websites, shopkeepers/retailers etc. not to directly or indirectly produce or manufacture or import or export or transport or sell or distribute or store e-



cigarettes, whether as a complete product or any part thereof.

In the notice issued recently it has also asked them not to advertise electronic cigarettes or take part in an advertisement that directly or indirectly promotes the use of electronic cigarettes.

Adding a note in the public notice, the ministry said, "Offense of production, manufacture, import, export, transport, sale (including online sale), dis-

tribution, storage and advertisement of electronic cigarettes is cognizable and punishable as per the statutory provisions of the Act".

Binoy Mathew, Manager, Voluntary Health Association of India, said, "Despite a ban on electronic cigarettes by the government of India in 2019, they are easily available in tobacco shops and online and are sold to children below 18 years of age". "The ban on electronic cigarettes was introduced to protect our

younger generation from a new form of toxic addiction. However, its enforcement has been weak, resulting in the market being flooded with cheap and unbranded Chinese-made e-cigarettes," he said while welcoming the government's move to bring the public notice for strict enforcement and implementation of the Act.

Despite heavy penalties and imprisonment, e-cigarettes are widely available across a range of sources, including tobacco vendors, general stores, and online providers. Rampant use of E-cigarettes has been observed among the youth, including school children. "E-cigarette marketers have illicitly managed to achieve a foothold in the market that has not been completely redressed by the ban," Mathew said.

"E-cigarette and like products with attractive flavouring have been proven to hook the younger

generation to nicotine addiction. It is worrisome that a banned product is so readily available in the Indian market," Ranjit Singh, an advocate practising at the Supreme Court, said.

"The public notice issued by the Health Ministry, raising awareness on the banned product, as well as elucidating the details of PECA 2019 provisions, emboldens the Government's strong resolve to prevent this hazardous product from being marketed in India. State governments must take similar steps to enforce the ban on e-cigarette and heated tobacco products," he said.

In February, the ministry had written to all states and UTs to ensure effective compliance of the ban on e-cigarettes, expressing concern that these devices are still available online and at local vendors.

In a letter addressed to chief secretaries of all states and Union Territories,

Union Health Secretary Rajesh Bhushan had said instances of devices like e-cigarettes being sold at convenience or stationery stores and near educational institutions have also been reported, which is resulting in easy access by young children to such products.

According to the provisions of the Act, "authorised officers" have been made responsible for the implementation of the order in accordance with the Code of Criminal Procedure, 1973. From time to time, this ministry has been requesting states and Union territories for effective enforcement of the statutory provisions of the Act, the letter said.

"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," the letter had stated.