

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION (PRIVATE SCHOOL BRANCH)**

OLD SECRETARIAT : DELHI-110054.

NO.DE.15/Misc./PSB/2019/13354-59

Dated: - 16/12/19

CIRCULAR

Sub:- Prohibition of Electronic Cigarettes in the premises of Educational Institutions.

This office is in receipt of D.O. No. 6-3/2019-MDM-1-1(E.E.1) dated 03.10.2019 of Joint Secretary(E.E.I), Department of School Education & Literacy, MHRD, GoI along with D.O. No. P-16012/23/2019-TC dated 24.09.2019 of Secretary, Ministry of Health & Family Welfare, GoI on subject cited above.

In this context, it is appraised that E-Cigarettes usually heat a liquid containing nicotine to generate an aerosol (vapour), which the user inhales to mimic the action of smoking. E-cigarettes also contain flavours and their use does not generate any foul smell associated with conventional smoking. These have sleek design and fancy appearance. These products are marketed to attract consumers, specially youth by creating a false notion of safety. Nicotine being highly addictive, use of e-cigarettes may also be gateway for youth to take up conventional smoking. It adversely affects the cardiovascular system, respiratory system, increase the risk of stroke and also affects the part of the brain responsible for decision making along with other harmful effects in the body. Children and adolescents are the most vulnerable to these fancy looking products. Hence, it would be appropriate that children, adolescents and young adults are made aware of the harmful effects of E-Cigarettes and the like devices.

Therefore, all the HOS/Managers of the Private Un-Aided Recognized Schools are hereby directed to implement the guidelines regarding Prohibition of Electronic Cigarettes in the premises of their Educational Institutions as mentioned in <https://ntcp/nhp/gov.in> as well as in above referred letters.

This issues with the prior approval of the Competent Authority.

Encl: **As above.**

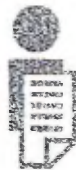

(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)

HOS/Manager of all Private Unaided Recognised Schools of Delhi.

Copy to:

1. P.S to Secretary (Education), Directorate of Education, Old Sectt, Delhi.
2. P.S to Director (Education), Directorate of Education, Old Sectt, Delhi.
3. All the district DDEs with the direction to ensure that the circular has been served to all the HOS/Manager of all Un-Aided Recognized Private Schools falling under their jurisdiction and to ensure the necessary compliance.
4. OS (IT) to please upload on website.
5. Guard File.


(YOGESH PRATAP)
DEPUTY DIRECTOR OF EDUCATION (PSB)



सूचना का
अधिकार

R.C. MEENA
Joint Secretary (EE.I)
Tel: 011-23389247

भारत सरकार
मानव संसाधन विकास मंत्रालय
स्कूल शिक्षा और साक्षरता विभाग
शास्त्री भवन
नई दिल्ली - 110 115

GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION & LITERACY
SHASTRI BHAVAN
NEW DELHI-110 115

D.O. No. 6-3/2019-MDM-1-1 (EE.5)

Dated the 3rd October, 2019

Dear Sir/Madam,

As you are aware that Government of India has prohibited the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health. A copy of D.O letter no. P-16012/23/2019-TC dated 24.09.2019 received from Ministry of Health and Family Welfare alongwith its enclosure is enclosed herewith for information.

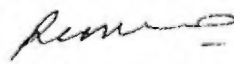
2. E-cigarettes usually heat a liquid containing nicotine to generate an aerosol (vapour), which the user inhales to mimic the action of smoking. E-cigarettes also contain flavors and their use does not generate any foul smell associated with conventional smoking. These have sleek design and fancy appearance. These products are marketed to attract consumers, specially youth by creating a false notion of safety. Nicotine being highly addictive, use of e-cigarettes may also be a gateway for youth to take up conventional smoking. It adversely affects the cardiovascular system, respiratory system, increase the risk of stroke and also affects the part of the brain responsible for decision making alongwith other harmful effects in the body.

3. Children and adolescents are the most vulnerable to these fancy looking products. Therefore, it would be appropriate that children, adolescents and young adults are made aware of the harmful effects of E-cigarettes and the like devices.

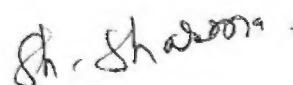
4. I would, therefore, advise you to look into the matter personally and instruct the concerned authorities to take necessary actions for being vigilant towards the availability/use of electronic cigarettes in the premises of Educational Institutions, specially among the students.

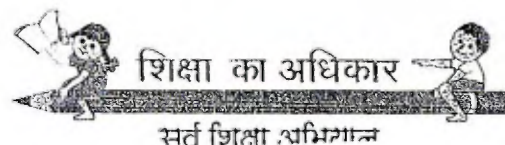
With regards,
Encl: As above:

Yours sincerely,


(R.C. MEENA)

The Education Secretaries in all the States/UTs.







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: 24th September, 2019

प्रीति सूदन

PREETI SUDAN
Secretary

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

Electronic-cigarettes or E-cigarettes usually heat a liquid containing nicotine to generate an aerosol (vapour) which the use inhales to mimic the action of smoking. Some of these look like conventional tobacco products such as cigarettes, cigars and hookahs while others take the form of everyday items such as pens; pen drives, with sleek design. E-cigarettes also contain flavours and their use does not generate any foul smell associated with conventional smoking. These have sleek design and fancy appearance. These products are marketed to attract consumers, specially youth by creating a false notion of safety. Nicotine being highly addictive, use of e-cigarettes may also be a gateway for youth to take up conventional smoking.

Considering the fact that children and adolescents are the most vulnerable to these fancy looking products, it would be appropriate that children, adolescents and young adults are made aware of the harmful effects of E-cigarettes and the like devices. A copy of a short presentation in this regard is attached. Further information on the matter can be accessed at <https://ntcp.nhp.gov.in>.

It is requested that necessary instructions may be issued immediately to all concerned for being vigilant towards the availability/use of electronic-cigarettes in the premises of educational institutions, specially among the students.

Yours sincerely,

(Preeti Sudan)

Encl: As above.

Ms. Rina Ray

Secretary

Department of School Education & Literacy

Ministry of Human Resource Development

Shastri Bhawan, New Delhi-110 001.

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AND WHEREAS the Conference of Parties established under article 23 of the said Convention took a decision on the 18th day of October, 2014 to invite the Parties to the Convention to consider prohibiting or regulating the electronic cigarettes or the Electronic Nicotine Delivery Systems and the Electronic non-Nicotine Delivery Systems, including as tobacco products, medicinal products, consumer products or other categories, as appropriate, taking into account a high level of protection for human health;

AND WHEREAS the Conference of Parties took a decision to urge the Parties to the Convention to consider banning or restricting advertising, promotion and sponsorship of the said Delivery Systems;

AND WHEREAS since these devices are injurious to health and proliferation of these products has negative impact on public health, it is expedient to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes as enjoined by article 47 of the Constitution of India;

AND WHEREAS article 51 of the Constitution of India requires the State to endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with one another;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:---

Short title and commencement.

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

(2) It shall come into force at once.

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 Ordinance, unless the context otherwise requires,---

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(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;

(f) "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

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

4. On and from the date of commencement of this Ordinance, 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
storage of
electronic
cigarettes.

5. On and from the date of commencement of this Ordinance, 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.

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order shall be binding on the person concerned 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 liable 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 Ordinance 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 Ordinance 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 Ordinance 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 Ordinance, 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.

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provision not inconsistent with the provisions of this Ordinance, as may appear to be necessary or expedient for removing the difficulty

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

RAM NATH KOVIND,
President

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

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