

कार्यालय मिशन निदेशक, राष्ट्रीय स्वास्थ्य मिशन, उत्तराखण्ड

(उत्तराखण्ड स्वास्थ्य एवं परिवार कल्याण समिति, स्वास्थ्य एवं परिवार कल्याण विभाग, उत्तराखण्ड शासन)

डाण्डा लखौण्ड, सहरनधारा रोड, देहरादून -248001

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पत्रांक—UKHFWS/NHM/NCD/2016/NTCP COTPA, 2003/ 2063

दिनांक: 06 / 11 / 2019

सेवा में,

समस्त मुख्य चिकित्साधिकारी,
उत्तराखण्ड।

विषय— **E-Cigarettes (Electronic Nicotine Delivery Systems)** को प्रतिबन्धित किये जाने हेतु भारत सरकार द्वारा प्रख्यापित अध्यादेश, 2019 का अनुपालन सुनिश्चित किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उत्तराखण्ड शासन, चिकित्सा स्वा० एवं चिकित्सा शिक्षा अनुभाग-3 के पत्र संख्या-798(1)/XXVIII-3-2019-19/2017, दिनांक-22.10.2019 का संदर्भ ग्रहण करने का कष्ट करें (छायाप्रति संलग्न)। जिसके द्वारा भारत सरकार द्वारा प्रख्यापित इलेक्ट्रॉनिक सिगरेट का निषेध (उत्पादन, निर्माण, आयात, निर्यात, परिवहन, बिक्री, वितरण, भंडारण और विज्ञापन) अध्यादेश, 2019 के आलोक में राज्य में E-Cigarettes (Electronic Nicotine Delivery Systems) तथा अन्य समान तकनीक, जिन्हें किसी भी नाम से सम्बोधित किया जाता है तथा जिसमें निकोटीन का प्रयोग होता है, उनके उत्पादन, विनिर्माण, आयात, निर्यात, बिक्री (ऑनलाईन बिक्री) तथा वितरण को तत्काल प्रभाव से प्रतिबन्धित किये जाने की स्वीकृति प्रदान की गयी है।

अतः शासन से प्राप्त उक्त निर्देशानुसार E-Cigarettes (Electronic Nicotine Delivery Systems) को अपने जनपद में तत्काल प्रभाव से प्रतिबन्धित किये जाने हेतु आवश्यक कार्यवाही करना सुनिश्चित करें। साथ ही कृत कार्यवाही से अधोहस्ताक्षरी को अवगत करायें।

संलग्न:- यथोपरि।

भवदीया,

(अंजली नौटियाल)

निदेशक (एन०एच०एम०)

पत्रांक— UKHFWS/NHM/NCD/2016/NTCP COTPA, 2003/ 2064 तददिनांक।

प्रतिलिपि:- समस्त जिलाधिकारी, उत्तराखण्ड को सूचनार्थ प्रेषित।

(अंजली नौटियाल)

निदेशक (एन०एच०एम०)

डॉ० पंकज कुमार पाण्डेय,
सचिव (प्रभारी)
उत्तराखण्ड शासन।

सेवा में,

1. अपर मुख्य सचिव/प्रमुख सचिव/सचिव, विद्यालयी शिक्षा/उच्च शिक्षा/तकनीकी शिक्षा/गृह/पंचायती राज/शहरी विकास विभाग, उत्तराखण्ड शासन।
2. मण्डलायुक्त, गढ़वाल मण्डल, पौड़ी गढ़वाल/कुमाऊँ मण्डल, नैनीताल।
3. खाद्य सुरक्षा आयुक्त, उत्तराखण्ड, देहरादून।
4. महानिदेशक, चिकित्सा स्वास्थ्य एवं परिवार कल्याण, उत्तराखण्ड, देहरादून।
5. निदेशक, चिकित्सा शिक्षा, उत्तराखण्ड, देहरादून।
6. समस्त जिलाधिकारी, उत्तराखण्ड
7. समस्त मुख्य चिकित्साधिकारी, उत्तराखण्ड।

चिकित्सा स्वा० एवं चिकित्सा शिक्षा अनुभाग-3 देहरादून : दिनांक 22 अक्टूबर, 2019

विषय- E-Cigarettes (Electronic Nicotine Delivery Systems) को प्रतिबन्धित किये जाने हेतु भारत सरकार द्वारा प्रख्यापित अध्यादेश, 2019 का अनुपालन सुनिश्चित किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक सचिव, स्वास्थ्य एवं परिवार कल्याण मंत्रालय भारत सरकार का पत्र संख्या-P.16012/23/2019-TC, दिनांक 19.09.2019 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से भारत सरकार द्वारा इलेक्ट्रॉनिक-सिगरेट को प्रतिबन्धित किये जाने हेतु "The prohibition of electronic Cigarettes (Production, Manufacture, Import, Export, transport, sale, distribution, storage and advertisement) ordinance, 2019" प्रख्यापित किया गया है।

2- अतः भारत सरकार द्वारा प्रख्यापित इलेक्ट्रॉनिक सिगरेट का निषेध (उत्पादन, निर्माण, आयात, निर्यात, परिवहन, बिक्री, वितरण, भंडारण और विज्ञापन) अध्यादेश, 2019 के आलोक में राज्य में ई-सिगरेट (Electronic Nicotine Delivery System) तथा अन्य समान तकनीक, जिन्हें किसी भी नाम से सम्बोधित किया जाता है तथा जिसमें निकोटीन का प्रयोग होता है, उनके उत्पादन, विनिर्माण, आयात, निर्यात, बिक्री (ऑनलाईन बिक्री) तथा वितरण को तत्काल प्रभाव से प्रतिबन्धित किए जाने का मुझे निदेश हुआ है। कृपया उक्त के प्रभावी क्रियान्वयन हेतु अपने अधीनस्थ अधिकारियों/कर्मचारियों को भी निर्देशित करने का कष्ट करें।

सलंगनक : यथोक्त।

भवदीय,

(डॉ० पंकज कुमार पाण्डेय)
सचिव (प्रभारी)

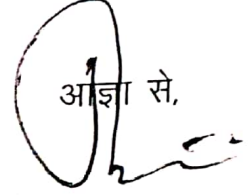
Dr. Ruchika K. NA
24/10/2019

संख्या- 778 (1)/XXVIII-3-2019-19/2017, तददिनांक।

प्रतिलिपि - निम्नलिखित को सूचनार्थ प्रेषित :-

1. सचिव, भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार, नई दिल्ली को उनके पत्र दिनांक 19.09.2019 के क्रम में।
2. स्टॉफ ऑफिसर, मुख्य सचिव, उत्तराखण्ड शासन।
3. निदेशक, चिकित्सा-स्वास्थ्य एवं परिवार कल्याण, उत्तराखण्ड, देहरादून।
4. अपर निदेशक, चिकित्सा-स्वास्थ्य एवं परिवार कल्याण विभाग, गढ़वाल मण्डल, पौड़ी गढ़वाल/कुमाऊँ मण्डल, नैनीताल उत्तराखण्ड।
5. गार्ड फाईल।

3545

आज्ञा से,


(अरविन्द सिंह पांगती)
उप सचिव।



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 59] नई दिल्ली, बुधवार, सितम्बर 18, 2019/ भाद्रपद 27, 1941 (शक)
No. 59] NEW DELHI, WEDNESDAY, SEPTEMBER 18, 2019/BHADRA 27, 1941 (SAKA)

इस भाग में पिन्स 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 18th September, 2019/Bhadra 27, 1941 (Saka)

THE PROHIBITION OF ELECTRONIC CIGARETTES
(PRODUCTION, MANUFACTURE, IMPORT, EXPORT,
TRANSPORT, SALE, DISTRIBUTION, STORAGE AND
ADVERTISEMENT) ORDINANCE, 2019
No 14 of 2019

Promulgated by the President in the Seventieth Year of the
Republic of India.

An Ordinance 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;

WHEREAS India is a signatory to the World Health
Organisation Framework Convention on Tobacco Control
adopted in Geneva, Switzerland on 21st day of May, 2003
which came into force on the 27th day of February, 2005;

(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.

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:

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Ordinance 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 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) 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 Ordinance 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 Ordinance.

(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 Ordinance 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 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance 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.

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

Cognizance of offences.

2 of 1974.

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

Offences to be cognizable

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

Ordinance to have overriding effect.

15. The provisions of this Ordinance 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 Ordinance.

Protection of action taken in good faith.

17. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by an order published in the Official Gazette, make such

Power to remove difficulties

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.