

Research Brief

Implementation of the E-cigarette Ban in India: Findings from Key Informant Interviews



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Policy context

On September 18, 2019, India promulgated a nationwide ordinance prohibiting the production, manufacture, import, export, transport, sale, distribution, storage, and advertisement of all forms of e-cigarettes.¹

Before that, 18 Indian states had already issued their own policy prohibiting the sales of e-cigarettes. On December 5, 2019, both houses of the Indian Parliament and the President replaced the ordinance by passing the Prohibition of E-cigarettes Act (PECA) 2019 (referred to as “the ban”).² Police officers, or any other officer not below the rank of sub-inspector authorized by the federal or state government, are the only officers authorized to enforce the ban. PECA penalizes those who violate the ban with imprisonment, a fine or both. The length of imprisonment and fine amount can vary.

Although the restrictions under the ban were implemented starting December 2019, e-cigarettes remain available and accessible to consumers in the Indian market. A 2023 study found that approximately 10% of young adult participants (n=840) reported current e-cigarette use and indicated that common sources for accessing e-cigarettes included retail outlets and/or their social networks (friends and

siblings).³ Other research suggests that adults who smoke and use e-cigarettes are commonly purchasing devices from tobacco or grocery stores and websites, while a smaller proportion access e-cigarettes through peers or street vendors.⁴

In this research brief, we summarize conversations with key informants involved in the development and implementation of the ban to provide insight into strategies to enhance its compliance and reduce e-cigarette availability across India.

Methods

From February through May 2023, we conducted semi-structured key informant interviews with 16 participants. Key informants were recruited in consultation with in-country tobacco control experts, who helped to identify people who were involved with e-cigarettes (either selling these products, researching them, or supporting policy development) and the implementation of the ban. Those who were interviewed were asked to nominate others as well. In addition, tobacco vendors were identified by visiting shops across Delhi. Key informants fell into one of the following categories at the time the interviews were conducted:



Government Officials/enforcers

Individuals holding positions of authority within the government, who were responsible for policymaking, law enforcement, or public service delivery, at the state or/and national level.

Number Interviewed: 3



Civil Society Organizations (CSOs)

Individuals or members of civil society organizations who actively work to raise awareness and influence public opinion through advocacy, education, and mobilization efforts.

Number Interviewed: 4



Researchers

Healthcare professionals or individuals holding positions within public health organizations, who are experts in the field of tobacco control and contribute to the advancement of the field through research and knowledge sharing.

Number Interviewed: 5



Tobacco Vendors

Individuals engaged in the sale of tobacco products to consumers.

Number Interviewed: 4

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www.globaltobaccocontrol.org

Six interviews were conducted in person and ten were conducted over Zoom. All interviews were audio recorded, except for three conducted in person. Interviews were conducted either in Hindi (n=4) or English (n=12). All audio recordings of the interviews were transcribed and, when necessary, translated into English. All transcriptions, along with notes from three interviews that were not audio-recorded, were imported into MAXQDA 2022 for coding and analysis. One study team member read all the de-identified transcripts and took notes on impressions and recurrent themes, which served as the foundation for the development of the initial codebook. The initial codebook was then applied to 3 transcripts to further refine codes and definitions. Once the codebook was finalized, two coders independently applied the final codebook to eight transcripts each. Following coding, data were thematically analyzed, and summaries were created using illustrative quotes. Findings were compared across key informant categories.

Findings

Overall, there was considerable heterogeneity in how key informants viewed the successes and challenges related to the implementation of the ban. While recognizing successful initiatives related to ban implementation, participants reported challenges associated with (1) regulating multiple pathways through which e-cigarettes are obtained; (2) the infrastructure needed to report and enforce the ban; and (3) communication efforts needed to support enforcement.

Multiple, hard to regulate pathways exist for consumers to access e-cigarettes

Key informants shared that the most common ways to buy e-cigarettes were at physical stores, via online sales, via social media and app sales, and through illicit networks. Three key informants mentioned that the products are imported to India, specifically from China, Dubai, and Korea.

Physical stores: Key informants across all categories reported that people can buy e-cigarettes at physical stores. Yet, one government official and one vendor indicated that there have been successful enforcement initiatives to curb the sales of e-cigarettes in some brick-and-mortar outlets. To curb the sale of e-cigarettes in physical stores, one government official suggested that compliance with the ban be a condition of receiving a tobacco vendor license.

Big shops don't keep it [e-cigarette] because in every 2-3-month raids take place in our shop. They get inside the shop and check everything.

Tobacco Vendor

Now in India and even in my state (...), we are implementing tobacco vendor licensing. Though it is a tobacco vendor licensing, can we add this, you know, ban sale of the e-cigarette also in the vendor licensing condition.

Government Official

Online sales: Researchers, CSO representatives, and government officials shared you can buy products online and they are delivered to you. Most researchers, government officials and half of CSO representatives indicated online sales were one of the biggest challenges for ban implementation and enforcement. Yet, one researcher shared a successful initiative to curb online sales among major websites that could serve as a potential model for current enforcement efforts.

Through the cyber division through the Ministry of Telecom, through blocking the websites, through the state anti-tobacco cell writing various letters to Amazon, Flipkart, and various other online portals (...) they were caught.

Researcher

Social media: Researchers, vendors and CSO representatives reported that people buy e-cigarettes using social media groups or mobile apps, such as WhatsApp, Dunzo, and Swiggy. Several key informants raised how the lack of age verification for social media sales or the use of influencers on social media to promote e-cigarettes further complicate implementation and enforcement of the ban.

Illicit market: One CSO representative and two government officials said that e-cigarette sales happen through an illicit market, which could include purchasing products illegally through an illegal network of individuals. As one key informant discussed, illicit sales may commonly take place in public outside of tobacco shops.

We have done a disguised mapping of e-cigarette availability after the [state] government (...) banned e-cigarette. So, (...) the manufacturers or the distributors started selling by using the students in public places (...). And he's doing as a part time job (...). He's standing near the tobacco shop, and he could identify who is searching for the e-cigarette.

Government Official

Infrastructure to report and enforce the ban needs to continue to grow

In general, key informants across all categories shared issues related to enforcing the ban, including cross-border trade and at physical stores, and online. Three researchers, one CSO representative and one government official stressed the importance of being able to regularly monitor the implementation of the ban systematically.

But you know, if you want to enforce very, very effectively, then we have to go for regular checking, regular monitoring, multiple studies are required and we need to do some snowball kinds of sampling to understand where this product is coming, who's distributing it? And also the peer groups, they have to be assessed. In-depth study is not happening as of now in India, few pocket size studies are available.

Government Official

Develop reporting systems: One researcher mentioned the need to create an online portal⁵ to report sales of e-cigarettes and one CSO representative suggested including monitoring e-cigarettes on regular national and subnational tobacco surveillance surveys. The importance of having civil society as a watchdog, helping to report violations, was also indicated by one CSO representative.

And therefore I feel the watchdog has to be very active.(...) I mean something which happened recently in Karnataka was fantastic. The civil society gave a list of shops where they [e-cigarettes] were sold to the police commissioner and then he issued a letter to all the police stations saying [to] enforce [those shops]. You go and riot these places. So somewhere the civil society relaxed because they thought ban come out and we don't need to do much.

CSO Representative

Expand enforcement officials: One CSO representative shared that some states have designated more officials to enforce the ban, as the definition of an enforcer is narrow, posing a challenge to the government. Similarly, three CSO representatives and one government official mentioned that the fact that only some officials are authorized to enforce the ban is part of the reason why enforcement is low, reinforcing the need for more officials to be authorized to do so.

So some of the states (...) have authorized their drug safety officers to act under PECA normally and the Police Department is authorized to act but they have [also] authorized those drug safety officers.

CSO Representative

I don't see very effective enforcement or effective implementation of this ban, not because I said you earlier that if federal government would have nominated some more of officer or authorize more officers, the scenario would have been a bit better, a bit different, since they have only authorized police officials for the enforcement of this ban or implementation.

CSO Representative

Increase enforcement officials' knowledge: Moreover, all CSO representatives and some government officials and researchers indicated the need for more capacity building initiatives among enforcers, to improve identification of the products as well as monitoring and enforcement of online sales.

And of course, sensitization of law enforcers on implementation of e-cigarette ban (...). we recently had a very good sensitization program in (...), with the police people and one of the things that they highlighted was that we didn't even know what it looked like.

CSO Representative

We need proper communication in terms of the technicalities. What is e-cigarette? What type of e-cigarettes are available? Which type of products are available, how it actually looks? (...) The capacity building trainings, workshop attendance, the orientation is very much required to understand the e-cigarette markets and the tobacco markets and tobacco control market.

Government Official

Ongoing communication efforts on the ban and product harms should continue to support enforcement efforts

Most key informants highlighted that communication from the government office about the ban when it was first announced was effective. This communication was provided to the general public as well to vendors/manufactures and state officials.

In the media, it was shown the whole video [explaining] that e-cigarettes are being banned because they're harmful for the children, about the chemicals they have and the nicotine addiction. So, you know, with all the justification it came in and it was there in print media, it was there in social media. So all over the media, I think the government made the effort to popularize about this ban, and you know with the information that's why with the rationale why the ban is happening.

Researcher

Increased and continued communication efforts:

Nonetheless, a common theme across most key informants was that there was a need for continued communication efforts to keep reinforcing the harms of e-cigarettes and the existence of the ban. The majority of CSO representatives and researchers stressed the need for regular public campaigns to communicate the health effects of e-cigarettes to the general public, including in schools.

Actually, we need to train all the school going children. What is the harmful effect of this e-cigarette, how it looks it, and please don't buy it. If you are getting it somewhere, you can inform to us.

Government Official

Conclusion

Findings from this study highlight the complex landscape surrounding the enforcement of the e-cigarette ban in India, with some successful aspects as well as several key areas that require attention and improvement to ensure effective implementation of the ban. These key areas include enforcing the ban on different sales channels, expanding infrastructure for reporting and enforcement, and enhancing communication across different stakeholders.

Challenges remain, especially in regulating the illicit market and digital sphere, where e-cigarettes are promoted through mobile apps and social media. As such, infrastructure enhancements are needed, such as introducing an online reporting portal. Initiatives, like conducting periodic raids on physical stores and integrating e-cigarette bans into vendor licensing conditions, might support the ban implementation. Capacity building for enforcers, through training and sensitization programs, are deemed essential, as is the continuation of communication efforts to raise public awareness of the health risks associated with e-cigarettes.

Recommendations

Below are some recommendations for countries considering or that have banned e-cigarettes based on the issues and successes identified via the key informant interviews:

Comprehensive Ban Legislation

Develop comprehensive legislation that explicitly bans the sale, manufacture, import, export, distribution, and advertising of all types of e-cigarettes and also similar products, considering the evolving market. Diverse pathways to acquire e-cigarettes emphasize the need for a multifaceted approach to regulate sales.

Preventing Illicit Market

Implement measures to specifically prevent the illicit trade of e-cigarettes, including monitoring and regulating cross-border sales.

Research and Monitoring

Support research and monitoring efforts to assess the effectiveness of the ban and gather data on e-cigarette use trends to inform implementation. This could be integrated to existing tobacco control surveillance systems.

Mass Media Campaigns

Mount mass media campaigns to continue educating the public about the risks of e-cigarettes.

Youth-Focused Education

Launch targeted educational campaigns in schools and colleges to raise awareness about the risks of e-cigarettes. Encourage educational institutions to include e-cigarette awareness in their curriculum as part of prevention initiatives. Additionally, colleges educating public health and medical professionals should include e-cigarette awareness in their curriculum.

Robust Enforcement Mechanisms

Establish robust enforcement mechanisms, including dedicated enforcement agencies responsible for monitoring and enforcing the ban. Regular inspections and strict penalties for violations, such as fines and license revocations for retailers, should be part of the enforcement strategy.

Capacity Building and Sensitization

Conduct capacity building initiatives and sensitization programs for law enforcement officers to ensure they are well-informed and capable of effectively enforcing the ban. Training may include identification of e-cigarette products and monitoring of online sales.

References

- ¹ Ministry of Health and Family Welfare. [The Prohibition of Electronic Cigarettes \(Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement\) Bill](https://www.prsindia.org/billtrack/prohibition-electronic-cigarettes-production-manufacture-import-export-transport-sale-0), 2019. Available: <https://www.prsindia.org/billtrack/prohibition-electronic-cigarettes-production-manufacture-import-export-transport-sale-0>.
- ² Ministry of Law and Justice. [The Prohibition of Electronic Cigarettes \(Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement\) Act](http://egazette.nic.in/WriteReadData/2019/214523.pdf), 2019. Available: <http://egazette.nic.in/WriteReadData/2019/214523.pdf>.
- ³ Pettigrew S, Alvin Santos J, Miller M, et al. [E-cigarettes: A continuing public health challenge in India despite comprehensive bans](https://doi.org/10.1016/j.pmedr.2022.102108). *Prev Med Rep*. 2023 Jan 2;31:102108. doi: 10.1016/j.pmedr.2022.102108
- ⁴ Tripathi GK, Kathirvel S, Singh RJ. [Electronic nicotine delivery system use among current smokers in India](https://doi.org/10.5588/ijtld.21.0445). *Int J Tuberc Lung Dis*. 2021 Dec 1;25(12):1038-1040. doi: 10.5588/ijtld.21.0445. PMID: 34886936.
- ⁵ Indian government launched [an online portal](#) to report violations to PECA after the interviews were concluded.

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