

GOVERNMENT OF ODISHA
HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

No. 2065
PT1-HFW-DCMA-MISC-0052-2025

/ H&F.W.,

Dated : 21-01-2026

WHEREAS, International Agency for Research on Cancer, World Health Organization, has classified chewing tobacco products such as zarda, khaini, gutkha processed/scented/ flavoured tobacco etc., as cancer causing substance. It causes dependence syndrome, severe impairment of the oral health, strongly associated with cancers of mouth, oesophagus, stomach, pancreatic, throat (pharynx and larynx) and renal etc.

AND WHEREAS, the wide usage of smokeless tobacco along with food items like pan masala, betel leaf, areca nut, slaked lime and other processed/scented/ flavoured condiments endangers public health and is especially fatal to the health of children and young adults.

AND WHEREAS, as per the 2nd Round of Global Adult Tobacco Survey, more than 42% of Odisha's adult population use smokeless tobacco, which is almost double the national average.

AND WHEREAS, The Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 dated 1st August, 2011 (and clause 2.3.4 thereof) notified by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of sub section (2) of section 92 read with section 26 of Food Safety and Standards Act, 2006 (Central Act 34 of 2006) prohibits the use of tobacco and nicotine as ingredients in any food item.

AND WHEREAS, the Ministry of Health and Family Welfare, Government of India, wrote to all the State Governments in 2012 to consider examining the issue for banning the sale of gutkha, pan masala, zarda or other chewable products having tobacco and nicotine, with immediate effect.

AND WHEREAS, several states including Odisha notified bans on products containing tobacco and nicotine. The Government of Odisha notified the ban vide Department of Health and Family Welfare Notification No. 367/H dated 03.01.2013.

AND WHEREAS, subsequent to the notification of the Odisha in 2013, The Hon'ble Supreme Court of India in Central Arecanut Marketing Corporation and Others Vs Union Of India (Transfer case (c) 1 of 2010) in its order dated 23.09.2016 observed that to circumvent the ban on the sale of Gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. The Hon'ble Supreme Court of India in view of the above

directed the concerned statutory authorities to comply with the above mandate of regulation 2.3.4 and directed the secretaries, health department of all the states and union territories to ensure total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

AND WHEREAS, The Secretary Department Health and Family Welfare, Government of India issued a letter dated 5th December 2016 vide D.O. No. 16019/2/2014-PH-I cited the order of the Hon'ble Supreme Court mentioned above and directed that necessary measures may be adopted to 'ensure that the manufacture, storage, distribution or sale of gutka and pan masala (containing tobacco or nicotine) and any other products marketed separately having tobacco or nicotine in the final product by whatever name called, whether packaged or un-packaged and/or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer is prohibited.'

AND WHEREAS, The FSSAI issued a letter dated 9th October, 2017 vide file No 13(25) 2017/Tobacco Issues/RCD/FSSAI to Food Safety Commissioners of all States/UTs and directed for necessary measures to be taken for full compliance with the directions of the Hon'ble Supreme Court mentioned above and the Regulation 2.3.4 of Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011.

AND WHEREAS, 'chewing tobacco' is listed as a food at item no. 40 in table under regulation 2.3.1 of Food Safety and Standards (Contaminants Toxins and Residues) Regulation 2011

AND WHEREAS, The FSSAI vide F.NO. 04010/1/2021-Regulatory-FSSAI (E-1504) Dated 17th August 2022 has clarified that 'tobacco' has not been excluded from the definition of 'food' as provided in section 3(1)(j) of Food Safety and Standards Act, 2006.

AND WHEREAS, several products with various names containing tobacco and nicotine are widely available in the market and consumption of such products is hazardous to the health of the public.

NOW, THEREFORE, in compliance with the aforesaid directions of the Hon'ble Supreme Court of India, and in order to give full effect to the prohibition contained in Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, and in exercise of the powers conferred under clause (d) of sub-section (2) of section 30 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006), in the interest of public health, the following is hereby notified, namely:-

1. The manufacture, processing, packaging, storage, transportation, distribution or sale of all food products containing tobacco or nicotine as ingredients is prohibited in the State of Odisha.

2. The prohibition extends to all food products whether chewable or otherwise which is either flavoured or scented or mixed with any additives,
3. The prohibition extends to all food products whether going by the name or form of gutkha, pan masala, flavoured or scented food products or chewable food products by whatsoever name called.
4. The prohibition extends to all food products whether packaged or unpackaged and/ or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer and any other food products containing tobacco and/ or nicotine as ingredients, by whatsoever name it is available in the state of Odisha.

This Notification shall supersede the earlier Notification issued vide Department of Health and Family Welfare Notification No. 367/H dated 03.01.2013.

By Order of the Governor

ASWATHY S
(Aswathy S)
Commissioner-cum-Secretary

Memo No. 2066 /H., Dated 21-01-2026

Copy forwarded to the Director, Printing, Stationery & Publication, Odisha, Madhupatna, Cuttack / Commerce & Transport(Commerce) Department, Kharavela Bhawan, with a request to publish the above notification in an extraordinary issue of the Odisha Gazette and supply 10 copies of the same to this Department at an early date.

ASWATHY S
21/01/2026

Memo No. 2067 /H., Dated 21-01-2026 Deputy Secretary to Government

Copy forwarded to the PS to Hon'ble Chief Minister / PS to Hon'ble Minister, Health & Family Welfare/ PS to Chief Secretary / Sr. PS to Commissioner-cum-Secretary to Government, Health & Family Welfare for kind information of the Hon'ble Chief Minister / Hon'ble Minister, Health & Family Welfare, Odisha / Chief Secretary / Commissioner-cum-Secretary to Government, Health & Family Welfare Department respectively.

ASWATHY S
21/01/2026

Memo No. 2068 /H., Dated 21-01-2026 Deputy Secretary to Government

Copy forwarded to DGP, CID, CB, Odisha, Cuttack / Addl. Director, NCD-cum-State Nodal Officer, NTCP, Bhubaneswar, for kind information and necessary action.

ASWATHY S
21/01/2026

Deputy Secretary to Government

Memo No. 2069 /H.,

Dated 21-01-2026

Copy forwarded to Principal A.G (A&E), Odisha, Bhubaneswar/ All Departments of Government of Odisha/ All Directors under Health & Family Welfare Department All RDCs/ All Collectors/ All CDM & PHOs / Managing Director, OSMCL, Bhubaneswar / Commissioner, Food Safety, Odisha, Bhubaneswar / Director of Treasuries & Inspection, Odisha, Bhubaneswar / All Sections of Health & Family Welfare Department / DC & MA (GF) 20 spare copies for kind information and necessary action.

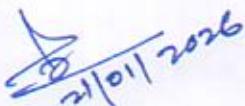

21/01/2026

Deputy Secretary to Government

Memo No. 2070 /H.,

Dated 21-01-2026

Copy forwarded to the Head, State Portal Group, IT Centre, Lokseva Bhavan / IT Cell, Health & FW Department with request to post this Notification in the, website <http://health.odisha.gov.in> for general information.


21/01/2026

Deputy Secretary to Government