

## THE UTTAR PRADESH INTOXICATING LIQUOR (OBJECTIONABLE ADVERTISEMENTS) ACT, 1976<sup>1</sup>

[U. P. Act No. 3 of 1976]

[Passed in Hindi by the Uttar Pradesh Legislative Council on March 31, 1976 and by the Uttar Pradesh Legislative Assembly on April 2, 1976.]

Received the assent of the Governor on April 12, 1976 under Article 200 of 'the Constitution of India', and was published in the Uttar Pradesh Gazette, Extraordinary dated April 13, 1976.]

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ACT

to prohibit the advertisement of liquor by cinematographic exhibition and on walls, buildings and hoardings in public place and to provide for matters connected therewith.

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:-

Short title, extent and commencement	1. (1) This Act may be called the Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Act, 1976. (2) It extends to the whole of Uttar Pradesh. (3) It shall be deemed to have come into force on November 1, 1975.
Definitions	2. In this Act, unless the context otherwise requires-  (a) "advertisement" includes any printed, cyclostyled, type-written, hand-written or painted matter or a design or pictorial representation and also includes the distribution or display of such matter, design or representation on any wall, building or hoarding in a public place or an announcement by means of producing or transmitting light or sound, whether by cinematographic exhibition, neon signs or otherwise;  (b) "Excise Inspector" or other "Excise Officer" means an Excise Inspector or other Excise Officer appointed under section 10 of the United Provinces Excise Act, 1910;  (c) "intoxicating liquor" does not include a drug as defined in the Drugs and Cosmetics Act, 1940.
Prohibition of advertisements relating to liquor	3. No person shall publish or cause to be published any advertisement which solicits the use of, or offers for sale any intoxicating liquor.  Explanation-- A sign-board on any premises in which intoxicating liquor is manufactured or sold or offered for sale indicating merely that such liquor is manufactured, or sold or offered for sale in those premises, and any catalogue or price list of such liquor kept or maintained in such premises, shall not amount to the publication of such an advertisement.

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1. For Statement of Objects and Reasons, see Uttar Pradesh Gazette Extraordinary dated March 31, 1976.

[The Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Act, 1976] [Section 4-7]

Presumption	4.	Where any advertisement relating to intoxicating liquor has been published in contravention of section 3, it shall be presumed, unless the contrary is proved, that the person on whose behalf it purports to have been published is the person who has published it or caused it to be published.
Power of inspection and seizure of material object containing published advertisements	5.	<p>(1) Subject to the provisions of any rules made in this behalf, any Excise Officer not below the rank of Excise Inspector may-</p> <p>(a) enter and search at all reasonable times with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence punishable under this Act has been or is being committed;</p> <p>(b) seize and detain any article used for purposes of an advertisement which he has reason to believe contravenes any of the provisions of this Act;</p> <p>(c) examine any record, register, document or any other material object found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.</p> <p>(2) Where any officer seizes any property under sub-section (1) such seizure shall be reported to a Magistrate forthwith, and the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973, shall apply to the custody and disposal thereof as they apply to property referred to therein.</p>
Penalty	6.	Any person who contravenes the provisions of section 3 shall, on conviction, be punishable with imprisonment which may extend to six months or with fine or with both.
Offence by companies	7.	<p>(1) If the person committing an offence under this Act is a company, the company as well as every person in-charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any managing agent, secretary, treasurer, director, manager, or other officer of the company such managing agent, secretary, treasurer, director, manager or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>

[The Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Act, 1976] [Section 8-12]

Explanation-- For the purposes of this section --

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

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| Investigation of<br>offence<br><br>Act 2 of 1974             | 8.  | <p>(1) An Excise Officer not below the rank of Excise Inspector may investigate any offence under this Act committed within the limits of the area in which he exercises jurisdiction and shall have in respect of such investigation the same powers as an officer-in-charge of a police station has in a cognizable case under the provisions of Chapter XII of the Code of Criminal Procedure, 1973 and may in particular make such investigation without an order of a Magistrate.</p> <p>(2) In other respects, the provisions of the said Code relating to arrests, searches, search warrants, production of persons arrested and investigation of offences shall, so far as may be, apply to all actions taken in these respects under this Act.</p>   |
| Protection of<br>action taken in<br>good faith               | 9.  | No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.   |
| Power to<br>compound<br>offences                             | 10. | <p>(1) The District Magistrate may accept from any person against whom a reasonable suspicion exists that he has committed any offence punishable under this Act such sum of money as he thinks fit by way of composition for the offence which such person is suspected to have committed.</p> <p>(2) On the payment of such sum of money to the District Magistrate, the suspected person, if in custody, shall be discharged and no other proceedings shall be taken against him.</p> <p>(3) The provisions of this section shall apply also where a prosecution or an appeal against conviction of an offence under this Act is pending, and in such a case the composition of such an offence under this section shall have the effect of acquittal of an accused with whom the offence has been compounded.</p> |
| Power to make<br>rules                                       | 11. | The State Government may, by notification in the <i>Gazette</i> , make rules for carrying out the purposes of this Act.   |
| Repeal and<br>savings<br><br>U.P. Ordinance<br>no.33 of 1975 | 12. | <p>(1) The Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Ordinance, 1976, is hereby repealed.</p> <p>(2) Notwithstanding such repeal or the repeal of the Uttar Pradesh Intoxicating Liquor (Objectionable Advertisements) Ordinance, 1975 by the aforesaid Ordinance of 1976 anything done or any action taken under the said Ordinances shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.</p>   |